

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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January 2, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 2:00 p.m.

Moved by Hertle, seconded by Wiley, to appoint Donald Frese as the chairman of the board of supervisors for 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to appoint Terry Hertle as the vice-chairman of the board of supervisors for 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the minutes of December 24, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint the following persons to the Benton Development Group board of directors for a one-year term: Marlyn Jorgenson, Patrice Shakespeare, Harry Ruth, Kristine Kraemer, and Elize Healzer. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-1, CONSTRUCTION EVALUATION RESOLUTION FOR 2013. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION # 14-1 CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2014 and January 31, 2015 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Signed this 2<sup>nd</sup> day of January 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve the auditor's quarterly report for the period ending December 31, 2014. All members voting aye thereon. Motion carried.

Benton County Treasurer Kelly Geater met with the board to discuss the jail fees collection program and the deposit of the fees collected by the county attorney's office. The issue being discussed is the procedure for receipting moneys collected by the county attorney's office for jail fees. Geater explained that she has researched how to process the fees to allow for the sheriff and county attorney to obtain the information necessary for their records. Geater explained that when an inmate is housed in the jail facility, the fees are entered into a computerized system (Stellar Teller) at the sheriff's department. The collection of the fee is done by the county attorney's office and then deposited with the treasurer. The issue is that the sheriff's computer system must have the funds run through it in order to reflect that the inmate has paid the fees and prevent duplicate collections. Geater contacted Stellar Teller and was informed that there is no way to show receipt of funds into the system without money being deposited. Geater stated that she was willing to take the funds received in her office to the sheriff's department, run them money the system there, and return with a check generated by Stellar Teller, and then deposit the money into the county's funds as all money must be deposited with the county treasurer. Geater explained that this would allow the sheriff's computer system to reflect the money was received and credit the inmate's account. Geater explained that the only other option is for the sheriff to manually adjust his computer system to cancel the inmate's balance due. Geater explained that this would not provide a good audit trail and that she spoke with the county's auditing firm, who recommended that the money be taken to the sheriff's office first and then deposited into the county's funds. The County Attorney David Thompson stated that he opposed taking the money to the sheriff's department. Thompson

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stated that the money was not collected by the sheriff and he did not believe it was necessary to have the money deposited into the sheriff's system. Geater advised that the matter was on the board's next agenda to discuss further when the sheriff could be present to respond to questions.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-2, Authorizing Auditor to Issue Checks in 2014. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-2**

### **AUTHORIZING THE BENTON COUNTY AUDITOR TO ISSUE CHECKS AND SIGN ACH AGREEMENTS FOR 2013**

**WHEREAS:** Iowa Code §331.506 sets forth the auditor's duties relative to the issuance of checks; and

**WHEREAS:** Iowa Code §331.506(3) allows the auditor to issue checks under the authority of the Board of Supervisors without prior approval, and

**WHEREAS:** Benton County conducts part of this activity through the use of ACH deposits and other electronic means; and

**WHEREAS:** It is necessary for the auditor to have the authority to execute agreements on behalf of Benton County when necessary to allow for the use of electronic banking, including but not limited to ACH deposits, and other financial activities, and

**NOW BE IT RESOLVED** that the Board of Supervisors hereby authorizes the auditor and/or her designee to issue checks in accordance with Iowa Code Section 331.506 and specifically Iowa Code Section 331.506(3).

**IT IS RESOLVED** that the Benton County Auditor and/or her designee is hereby authorized to execute all necessary agreements on behalf of Benton County for the purposes of ACH deposits and other financial activities of Benton County.

**IT IS RESOLVED** that this authority may be amended from time to time by resolution of the Board of Supervisors.

**IT IS RESOLVED** that this authority is granted beginning this date and shall remain in effect until revoked by the Board of Supervisors.

Signed this 2<sup>nd</sup> day of January 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to authorize the chair to sign a Statement of Non-Issuance of Certificate of Occupancy for 2014. All members voting aye thereon. Motion carried.

### **BENTON COUNTY STATEMENT OF NON-ISSUANCE OF CERTIFICATE OF OCCUPANCY**

"Benton County has not currently adopted building codes and does not perform inspections of structures located in the unincorporated area of the county. Therefore, Benton County does not issue a certificate of occupancy for said structures. Further, Benton County does not guarantee that any structure complies with any building codes and does not accept any liability, express or implied, regarding such structure.

If the property is located within the corporate limits of any city situated in Benton County, you are directed to contact that city regarding this matter."

Moved by Hertle, seconded by Wiley, to appoint County Engineer Myron Parizek as the county weed commissioner for 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to designate the official newspapers for Benton County for 2014 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

The board began the appointments for 2014 and beyond. The auditor advised that an ad had been run in the county's official newspapers, as well as the Livewire and 4-County Market, seeking applicants and presented those applications received to the board for consideration.

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Moved by Hertle, seconded by Wiley, to appoint the following persons to the Benton County Eminent Domain for 2014. All members voting aye thereon. Motion carried.

## **EMINENT DOMAIN**

### Licensed Real Estate Sales Person or Real Estate Broker

Denise Weeda  
Danny Kaestner  
Gloria Feuerbach  
Shannon Feuerbach  
Carmie Behrens  
Wayne Siela  
Kathy Tranel  
Marion Schminke

### Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum  
Carol Goodchild  
Jeff Geiger  
Dave Coulter  
Harold Knaack Jr.  
Melissa McBride  
Kristina Kremer

### Owner-Operator Agricultural Property

Bonnie Sanders  
Elaine Harrington  
David Rhinehart  
John Elwick  
Wayne Riley  
Todd Hennings

### Owners of City or Town Property

Darold Sindt  
Jeff Kelly  
Kathy Van Steenhuyse  
Janice Eldred  
Larry Weeda  
Connie Ogier  
Lloyd Benson

Moved by Wiley, seconded by Hertle, to appoint the county auditor and county engineer as the ADA coordinators for Benton County. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Diane Pickart, Renae Becker, and Jim Hodgson, to the Benton County Zoning Commission for 3-year terms. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-3, REPEALING RESOLUTION #13-41 and Adopt Resolution #14-4 ADOPTION OF TITLE VI NON-DISCRIMINATION AGREEMENT, TITLE VI POLICY STATEMENT AND APPOINTMENT OF TITLE VI COORDINATOR. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried

## **RESOLUTION #14-3 REPEALING RESOLUTION #13-41**

Whereas, the Benton County Board of Supervisors adopted Resolution #13-41 on May 28, 2013, adopting the Title VI Non-Discrimination Agreement, Title VI Policy Statement and Appointment of title VI Coordinator; and

WHEREAS, the Resolution #13-41 set forth a specific individual as the chairman of the board of supervisors; and

WHEREAS, the chairman has since changed,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #13-41 ADOPTION OF TITLE VI NON-DISCRIMINATION AGREEMENT, TITLE VI POLICY STATEMENT AND APPOINTMENT OF TITLE VI COORDINATOR is hereby repealed in its entirety, effective this date.

Signed this 2<sup>nd</sup> day of January 2014

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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## **RESOLUTION #14-4**

### **ADOPTION OF TITLE VI NON-DISCRIMINATION AGREEMENT, TITLE VI POLICY STATEMENT AND APPOINTMENT OF TITLE VI COORDINATOR.**

WHEREAS, the Iowa Department of Transportation is requiring that each sub-recipient of federal funding enter into TITLE VI Non-discrimination Agreement; and

WHEREAS, Benton County is the recipient of federal bridge and road funds, as well as other federal funds; and

WHEREAS, it would be in the best interest of Benton County to enter into said agreement and continue to receive federal funding,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County adopt and enter into the Title VI Non-Discrimination Agreement with the Iowa Department of Transportation; and

BE IT FURTHER RESOLVED that the Benton County Engineer is appointed as the Title VI Coordinator pursuant to said agreement;

IT IS FURTHER RESOLVED that the chairman of the Benton County Board of Supervisors is authorized and directed to sign the

Title VI Non-discrimination Agreement and the Title VI Non-discrimination Policy Statement set forth below:

#### **Title VI Non-Discrimination Agreement Iowa Department of Transportation and Benton County, Iowa**

#### **Agency Information**

Name and title of administrative head:

Name: Donald H. Frese Title: Chair, Board of Supervisors  
Address: 111 East 4<sup>th</sup> Street – PO Box 549  
City: Vinton State: IA ZIP Code: 52349 County: Benton  
Phone/FAX: (319)472-4869 Email:

Name and title of designated Title VI coordinator:

Name: Myron L Parizek Title: Benton County Engineer  
Address: 1707 West 1<sup>st</sup> Street – PO Box 759  
City: Vinton State: IA ZIP Code: 52349 County: Benton  
Phone/FAX: (319)472-2211/472-2737 Email: mparizek@co.benton.ia.us

\*If the Title VI coordinator changes, please contact the Iowa DOT Title VI specialist.

#### **Title VI Program**

##### **I. Organization and staffing**

Pursuant to 23 C.F.R. § 200, Benton County, Iowa has appointed a Title VI coordinator identified above, who is responsible for implementing and monitoring the local public agency's (LPA's) Title VI program per this agreement, and is the representative for issues and actions pertaining to this agreement. The LPA will provide the Iowa Department of Transportation with a copy of the LPA's organizational chart that illustrates the level and placement of the Title VI coordinator.

The LPA will notify the Iowa DOT in writing of any changes to the LPA's organization chart, Title VI coordinator or Title VI coordinator contact information.

##### **II. Assurances required**

Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to 49 C.F.R. § 21 (Nondiscrimination in Federally Assisted Programs of the

Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT Assurances (including Appendices A, B and C) are attached to this agreement.

##### **III. Implementation procedures**

This agreement shall serve as the LPA's Title VI plan pursuant to 23 C.F.R. § 200 and 49 C.F.R. § 21.

For the purpose of this agreement, "federal assistance" shall include all of the following.

- Grants and loans of federal funds.
- The grant or donation of federal property and/or interest in property.
- The detail of federal personnel.
- The sale and lease of, and permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA.
- Any federal agreement, arrangement or other contract that has as one of its purposes the provision of assistance.

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The LPA shall:

1. Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by the Iowa DOT, Federal Highway Administration or U.S. Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
3. Designate a Title VI coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for implementing and monitoring Title VI activities and preparing required reports.
4. Develop and implement a public involvement plan that includes low-income and minority community outreach and ensures those persons who are limited-English proficient (LEP) can access services.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigations. Identify each complainant by race, color, national origin or gender, the nature of the complaint, date the complaint was filed, date the investigation was completed, disposition, date of disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, shall be forwarded to the Iowa DOT's civil rights coordinator within 60 days of the date the complaint was received by the LPA.
6. Collect statistical data (race, color, national origin, age, gender, disability, LEP and income of populations in service area) of participants in, and beneficiaries of, the programs and activities conducted by the LPA.
7. Conduct Title VI self-assessment of the LPA's program areas and activities, and of second-tier sub-recipients, contractor/consultant program areas and activities. Where applicable, revise policies, procedures and directives to include Title VI requirements. Ensure that programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments and changes to the program covering the prior year, and identify goals and objectives for the coming year.
  - Annual work plan: Outline Title VI monitoring and review activities planned for the coming year; and indicate a target date for completion.
  - Accomplishment report: List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special internal and external reviews conducted by the Title VI coordinator. List any major problem(s) identified and corrective action(s) taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against second-tier sub-recipients, if any, as well as a summary of complaints and actions taken.
10. Include Title VI compliant language in all contracts to second-tier sub-recipients.

#### **IV. Discrimination complaint procedures – allegations of discrimination in federally assisted programs or activities**

The LPA adopts the following discrimination complaint procedures for complaints relating to federally assisted transportation-related programs or activities.

**1. Filing a discrimination complaint:** Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.; and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the LPA, or directly with the Iowa DOT, FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

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**2. Complaint filing time-frame:** A discrimination complaint must be filed within 180 calendar days of one of the following.

- (a) The alleged act of discrimination.
- (b) Date when the person(s) became aware of the alleged discrimination
- (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The LPA or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

**3. Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information.

- a) The complainant's name and address, or other means by which the complainant may be contacted.
- b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
- c) A description of the complainant's allegations, which must include enough detail to determine if the LPA has jurisdiction over the complaint and if the complaint was filed timely.
- d) Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc.)
- e) Apparent merit of the complaint.
- f) The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the complainant shall be interviewed by the LPA's Title VI coordinator. If necessary, the Title VI coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

**4. Complaints against the LPA:** Any complaints received against the LPA should immediately be forwarded to the Iowa DOT for investigation. The LPA shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT's Title VI program is:

Iowa Department of Transportation  
Office of Employee Services – Civil Rights  
800 Lincoln Way  
Ames, Iowa 50010  
515-239-1422  
515-817-6502 (fax)  
dot.civilrights@dot.iowa.gov

**5. Notice of Receipt:** All complaints shall be referred to the LPA's Title VI coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the coordinator shall issue an initial written Notice of Receipt that:

- a) Acknowledges receipt of the discrimination complaint.
- b) Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
- c) Contains a list of each issue raised in the discrimination complaint.
- d) Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
- e) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.

**6. Notification of the Iowa DOT of a complaint:** The LPA shall advise the Iowa DOT within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.

- a) Name, address and phone number of the complainant.
- b) Name(s) and address (es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin, gender).
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the LPA.
- f) A statement of the complaint.
- g) Other agencies (state, local or federal) where the complaint has been filed.
- h) An explanation of the actions the LPA has taken or proposed to resolve the issue identified in the complaint.

**7. Processing a complaint and time-frame:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the LPA level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the LPA and Iowa DOT, the complainant shall be informed that the LPA has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step four), the LPA's Title VI coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the coordinator shall render a recommendation for action in a Report of Findings to the head of the LPA.

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**8. Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The LPA's Title VI coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner.

With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the LPA's Title VI coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day time-frame of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT's Title VI program coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the LPA's Title VI coordinator shall continue with the investigation.

**9. Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:

- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
- b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
- c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

The LPA's Title VI coordinator shall provide the Iowa DOT's Title VI program coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the LPA, the Iowa DOT's Title VI program coordinator will work in conjunction with the LPA's Title VI coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

**10. Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.

**11. Confidentiality:** LPA and Iowa DOT Title VI program coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.

- a) The fact that the discrimination complaint has been filed.
- b) The identity of the complainant(s).
- c) The identity of individual respondents to the allegations.
- d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.

**12. Record keeping:** The LPA's Title VI coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- a) The name and address of the complainant.
- b) Basis of discrimination complaint.
- c) Description of complaint.
- d) Date filed.
- e) Disposition and date.
- f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.

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## **V. Sanctions**

In the event the LPA fails or refuses to comply with the terms of this agreement, the Iowa DOT may take any or all of the following actions.

- a) Cancel, terminate or suspend this agreement in whole or in part.
- b) Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred, until satisfactory assurance of future compliance has been received from the LPA.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.
- d) Refer the case to the USDOJ for appropriate legal proceedings.

IOWA DEPARTMENT OF TRANSPORTATION

BENTON COUNTY, IOWA

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

Donald H. Frese, Chair Board of Supervisors

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

January 2, 2014

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Date

Signed this 2<sup>nd</sup> day of January 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to appoint Todd Wiley as trustee to the Heartland Insurance Group and Jill Marlow as alternate. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint the following persons to the Benefited Fire Districts for three-year terms. All members voting aye thereon. Motion carried.

Van Horne Benefited #1 – Ed Fry

Keystone Benefited #2 – Dan Busch

Newhall Benefited #4 – Roy Becker

Ben-Linn Benefited #3-#5 – Mike Deklotz

Moved by Wiley, seconded by Hertle, to appoint Kathy Janss and Dr. Margaret Mangold to the Benton County Public Health Board for three-year terms. All members voting aye thereon. Motion carried.

The board received three applications to the Benton County Conservation Board. The board reviewed each of the applications submitted and requested a recommendation from Conservation Executive Director Matt Purdy. Purdy stated that he only had knowledge of one of the applicants and that particular application would be an asset to the board. Purdy stated that he could not speak to the other applicants' qualifications, but added that applicants with fund raising experience would be beneficial. County Attorney David Thompson recommended the applicant with law enforcement experience. Purdy stated that although his rangers were law enforcement officers, that Deputy Director Bahmann oversaw the law enforcement area of the department and in recent conversations with him, Purdy understood that law enforcement was not an issue at this time and would rather see more emphasis in fundraising. Thompson disagreed with Purdy regarding the importance of law enforcement in the department.

Supervisor Wiley questioned the county attorney as to his position before the board relative to the recommendation. Thompson advised he was before the board as county attorney. Wiley stated that he believed that the county attorney's comments were detrimental to the appointment. Discussion ensued with Wiley questioning the chairman as to who was in charge of the meeting. The chair took control of the meeting at that point. Supervisor Hertle stated that he supported the candidate who came to the board meeting, which indicated that the individual showed an interest in the position. Hertle added that he was going to disregard the comments of the county attorney. Moved by Hertle, seconded by Wiley, to appoint Denni Randall to the Benton County Conservation Board for a three year term. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Jennifer Zahradnik as the Benton County Civil Rights Coordinator for 2013. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint the auditor's office as the safety coordinator and the county engineer as the safety coordinators. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Deb Christianson to the Vinton Airport board of Adjustment for a five-year term. All members voting aye thereon. Motion carried.

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Moved by Wiley, seconded by Hertle, to appoint the following members to the respective boards for 2014. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Hertle  
Regional HACAP –Supervisor Hertle  
Emergency Management Commission - Supervisor Wiley  
Supervisor Hertle, Alternate  
Resource Enhancement & Protection (REAP) - Supervisor Frese  
Solid Waste Disposal Commission Advisory Board - Supervisor Hertle  
Supervisor Frese, Alternate  
Supervisor Wiley, Alternate  
  
County Conference Board - Supervisor Wiley  
Supervisor Frese  
Supervisor Hertle  
Benton County Health Board, Ex-Officio – Supervisor Frese  
6<sup>th</sup> Judicial District Department of Corrections – Supervisor Hertle  
Workforce Development - Supervisor Frese  
Eastern Iowa Tourism – Supervisor Wiley  
Supervisor Frese, Alternate  
Supervisor Hertle, Alternate  
Central Iowa Juvenile Detention – Supervisor Hertle  
Supervisor Frese, Alt.  
Area Substance Abuse Council (ASAC) – Supervisor Frese  
Regional Child Support Recovery – Supervisor Wiley  
Benton County Conservation, Ex-Officio – Supervisor Wiley  
Regional Mental Health – Supervisor Frese

Moved by Hertle, seconded by Wiley, to appoint the following members to East Central Iowa Council of Governments' Boards. All members voting aye thereon. Motion carried.

### **BOARD OF DIRECTORS**

Todd Wiley  
Alternate: Don Frese

### **REGION 10 TRANSPORTATION POLICY COMMITTEE**

Todd Wiley  
Alternate – Don Frese

### **Region 10 Regional Trails Advisory Committee (RTAC)**

Mark Pingnot  
No Alternates

### **Region 10 Transportation Technical Advisory Committee (TTAC)**

Rick Erickson

### **Region 10 Passenger Transportation Advisory Committee (PTAC)**

Carol Zander  
No Alternates

Moved by Wiley, seconded by Hertle, to accept the resignation of Mark Pingnot, effective immediately, and to appoint Matt Purdy to fill the unexpired term. Further to appoint Carol Zander and Ben Bonar, to the Integrated Roadside Vegetation Management, representing the public sector, and Joan Lindberg, representing the private sector, all for three-year terms. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Supervisor Terry Hertle, Kelly Geater, Kevin Atkinson and Jo Nelson to the Benton County 2014 Wellness Committee. All members voting aye thereon. Motion carried.

No action was taken to fill the position on the Benton County Land Use Adjustment Board for a five-year term.

Moved by Hertle, seconded by Frese, to appoint Supervisor Hertle as the county's authorized signatory for all documents relative to the Farm Service Agency. All members voting aye thereon. Motion carried

No action was taken on the appointments to the Benton County Historical Preservation Commission, for three-year terms.

Moved by Hertle, seconded by Wiley, to appoint Connie Pickering, Dick Duncalf, and Steve Meyer to the Pioneer Cemetery Commission, for three year terms. All members voting aye thereon. Motion carried. The county attorney recommended the appointment of Dan Hill to the commission should a vacancy need to be filled.

No action was taken on the appointment to the Iowa Valley R C & D.

Moved by Hertle, seconded by Wiley, to appoint Nick Volk to the Benton County Compensation Board as a supervisor representative to fill the term vacated by Rod Kubicek. All members voting aye thereon. Motion carried. Kubicek could no longer serve under Iowa law due to his newly-elected position of mayor.

The auditor spoke to the board about the Decategorization invoicing and payments. Benton County pays for the services of the Decategorization coordinator and is reimbursed for the costs by the State of Iowa. The auditor advised that payment has not been received from the state for services paid since the beginning of the fiscal year. The auditor recommended that the county not issue any further payments until the county receives reimbursement. The board agreed that no payments should be made until reimbursement is received.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

157

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Auditor

January 7, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The chair called the meeting to order at 9:00 a.m.

The minutes were not submitted for approval.

Moved by Wiley, seconded by Hertle, to approve vendor checks numbered 208321 through 208498, payroll checks numbered 137305 through 137319, and ACH deposits numbered 19423 through 19543, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the sheriff's quarterly report for the period ending December 31, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to make the following appointments:

Magistrate Appointing Commission – Elaine Harrington

Eminent Domain – Agricultural Owner/Operator – Brenda Schanbacher

East Central Iowa Council of Governments – Transportation Committee – Duane Eldred

Benton County Land Use Adjustment Board – Doug Stein

No action was taken on the appointment to the Iowa Valley R C & D, pending the auditor obtaining more information. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for opening bids for the rental of the farm ground located at the Cedar Valley Ranch, the board proceeded with matter. The auditor advised that notice had been published in the newspapers with a December 27, 2013, filing deadline. Six bids were received as follows (on a per acre basis):

Justin Cue - \$300

Ryan Albertsen - \$325

Dustin Edler - \$265

Jim Fix - \$260

Robert McNeill - \$377

Gary Toyne - \$300

The board provided an opportunity for the bidders to raise their bid as advertised. Jim Fix raised his bid to \$335 per acre and Gary Toyne raised his bid to \$385 per acre.

Moved by Wiley, seconded by Hertle, to award the lease for approximately 38.4 acres of farm ground located at the Cedar Valley Ranch in the SE 1/4 of Section 22 of Taylor Township, to Gary Toyne, as the highest per-acre bidder, at a price of \$385.00 per acre. It is understood that the renter is to care for the soil and maintain the soil fertility as evidenced by records of soil samples obtained by the renter. The final lease agreement is to be drafted with the parties executing the same at a later date. All members voting aye thereon. Motion carried. Toyne was present at the meeting and agreed to the soil fertility maintenance stipulation.

Treasurer Kelly Geater, Sheriff Randall Forsyth, Attorney David Thompson, Assistant Attorney Emily Nydle, and Attorney staff member Jacqueline Michael met with the board regarding the handling of jail collection fees. Geater stated that she was not attempting to circumvent any offices, but only needed to know how to handle fees collected by the county attorney's office relative to jail fees. Michael explained that it was necessary for the collections office to know that the fees are collected so that they can insure that it is being applied appropriately and the courts notified accordingly. Michael stated that if the fees are paid at the sheriff's department then the collections department may not know to apply a partial or full satisfaction on the judgment. Sheriff Forsyth advised that initial payment of the fees could be with the collections department; however in order for his computerized financial system to account for the payment it is necessary for a check to be deposited. Forsyth stated that after the collections department receives the check, it could then be deposited into his financial system so that appropriate credit could be recorded, and a check issued to the treasurer for deposit on the same day. Forsyth stated that his only other option is to manually manipulate the account with no paper trail. Forsyth explained that the system is similar to a bank ATM with deposits and withdrawals. The account is held at Farmers Savings Bank in Vinton. Assistant Attorney Nydle stated that the funds should be deposited with the collections department and subsequently deposited with the treasurer for immediate deposit into the county's funds. Supervisor Wiley stated that it would be most appropriate if the sheriff's system to record the fees so that a paper trail could be established through his accounting software, if possible. Forsyth stated that he is audited annually and must show an accounting of all fees. Attorney Thompson stated that a detailed accounting is maintained by his office for each collection and that the auditing firm could review his records when sheriff fees need to be substantiated. Forsyth said that it was his desire to make the program work for all offices involved, but that he would review the available options, which may be ceasing to input the jail fees into his collection system and to just have them go directly to the county attorney's collection system. Supervisor Hertle stated that the treasurer should not be involved and that the collections department was the one who was collecting the fees and therefore the money should only go to that department. Supervisor Wiley questioned why it couldn't go through both departments. Nydle stated that the deposit into the county's financial system must be immediate with daily receipts generated by the treasurer. Supervisor Hertle re-stated that it was his position that the only department involved in the collection of jail fees should be the county attorney's office and subsequently moved that all jail fees be collected by the county attorney's office. Supervisor Frese seconded the motion. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve 18.75 hours of vacation carry-over requested by Dan Higdon. Said carry-over is to be used no later than April 1, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in sections 12 and 13 of Canton Township, east of 33<sup>rd</sup> Avenue Drive and 64<sup>th</sup> Street. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

158

Moved by Wiley, seconded by Hertle, to award the contract for the bridge project let by Iowa Department of Transportation, contract #BROS-CO06(91)—5F06, to Taylor Construction, in the amount of \$278,144.50. Contract is for a ninety foot slab bridge located one mile south of Highway 30 on 19<sup>th</sup> Avenue. Work is to begin on or before July 28, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley seconded by Hertle, to award the contract for the bridge project let by the Iowa Department of Transportation, contract #BROS -CO06(93)--8J-06, to Taylor Construction, in the amount of \$312,823.95. Contract is for the bridge project located one mile east of Garrison on 19<sup>th</sup> Avenue. Work is to begin on or before July 14, 2014. All members voting aye thereon. Motion carried.

The engineer reported that the balance of the landfill account held in the Blairstown bank on December 31, 2013, was \$53,422.00.

Engineer Myron Parizek and Ben Bonar presented the 2013 Weed Commissioner Report. The board discussed the report as well as the plans for 2014. Moved by Hertle, seconded by Wiley, to approve the 2013 Benton County Weed Commissioner Report and direct the chair to sign the same. All members voting aye thereon. Motion carried.

Supervisor Wiley asked what the protocol was on the conduction of board meetings and who is responsible for maintaining the integrity of the meetings – individual supervisors or the chair. The auditor advised that the meetings are the supervisors' meetings and as such are controlled by the supervisors. Supervisor Hertle responded that ultimately the chair is responsible although individual supervisors may intercede. Chairman Frese agreed that it is his responsibility to maintain control of the meeting and agreed that he erred when he failed to control the events of the prior board meeting.

The board began preliminary work on the county's fiscal year 2015 budget.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

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Jill Marlow, Benton County Auditor

January 14, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of January 2, 2014, with name corrections, and January 7, 2014. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Justin Gorsch in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns 22 acres with 21 acres being used for a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a single-family residence. Moved by Hertle, seconded by Wiley, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the NE1/4 of the SE1/4 of Section 15-83-9, for the purposes of constructing a single-family residence. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the recorder's quarterly report for the period ending December 31, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to suspend the taxes on parcel #370-5B300519G pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to contract with Vinton Lutheran Home Communities and Services for cleaning services at the Governor Sherman building at a cost of \$62.76 per week based on 4 hours per week. The cleaning supplies are to be furnished by the county. All members voting aye thereon. Motion carried. Two quotes were received for the service.

Maintenance Director Rick Bramow met with the board regarding the use of space heaters in the courthouse. The county currently has a policy stating that thermostats cannot be set above 70 degrees during the winter months. Bramow asked the board if the county should revisit the policy due to the number of space heaters now being utilized in the various office buildings. Bramow was concerned about the safety when space heaters are used in light of the recent fire at secondary roads. Supervisor Wiley stated that simply raising the temperature while still allowing the continued use of space heaters would not address the safety concern and would only result in increased heating costs. Wiley's position was that the heat should only be increased if the space heaters were not allowed. County Attorney Thompson stated that many offices would still have cold work spaces even if the heat were increased due to the age of the courthouse, drafty areas, and poor windows. The board did not take any action other than to state that those persons using space heaters should insure that the units are off and unplugged at the end of the work day.

Supervisor Hertle updated the board on his findings relative to engineering services for area landfills. Hertle was concerned that Benton County is paying a significantly higher amount than other counties for landfill engineering services. County Engineer Parizek stated that not all of the landfills receive the same services and that could affect the costs. Supervisor Hertle questioned the county attorney as to the county's options relative to terminating the current contract. The county attorney advised that at some time the board of supervisors must have delegated their authority to the county engineer to enter in the landfill engineering contract and was therefore bound by the current contract. The attorney added the county could serve notice that the contract will be terminated on June 30<sup>th</sup>, and recommended that the board take that action. The board discussed other contractual arrangements in light of the planned reorganization of the landfill governance. The board asked the county engineer to review current contracts to determine which contracts should have termination notices served. Moved by Wiley, seconded by Hertle, to notify Howard R. Green Engineering that Benton County will be bidding engineering services in FY15 and that the current contract will not be automatically renewed. All members voting aye thereon. Motion carried.

The board briefly spoke about the 28E agreement for the creation of a new sanitary landfill commission and the cities' participation. The matter was placed on a future agenda for action by the board relative to entering into the 28E agreement.

Moved by Wiley, seconded by Hertle, to approve a utility permit submitted by Windstream Communications to place utility lines in the county's right-of-way in Section 20 of Kane Township along 72<sup>nd</sup> St. Drive. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

159

The engineer updated the board on the fire at the secondary roads site in Vinton. A fire destroyed the recycling building and all of its contents, which included 4 trucks, a skid loader, and miscellaneous tools. The estimated cost of the damage at this time is in the \$500,000 range. The auditor advised that the county's insurance was notified immediately and have been working with the engineer regarding the claim. The auditor stated that she authorized the insurance company to hire an investigator to determine the cause of the fire. The investigator had not completed his investigation as of the time of the meeting.

Benton County Conservation Executive Director Matt Purdy presented the 2013 annual report to the board of supervisors. Purdy reviewed various programs and projects that conservation had completed in fiscal year 2013 and spoke of the many volunteers and civic groups that assisted throughout the year. Purdy also spoke to the board about current and future projects and the long-term goals of the conservation department. Moved by Wiley, seconded by Hertle, to accept the FY13 annual report filed by Benton County Conservation. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the treasurer's semi-annual report for the period ending December 31, 2013. All members voting aye thereon. Motion carried.

The auditor provided FY15 budget information to the board for their review. A schedule for budget work was developed. Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Benton County Auditor

January 15, 2013

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 2:00 p.m.

The following matter was not on the agenda but is being addressed due to its emergent nature. The matter came to the attention of the auditor on this date and the 24-hour notice was not practical pursuant to Iowa Code Chapter 21.4(2).

The board discussed the current investigation into the cause of the fire at the secondary roads recycling building. The auditor advised that the investigator determined that the fire started in the area of the furnace and the insurance company was satisfied with the finding and further investigation was not needed for their purposes at this time. However, the concern is that the county currently has two other facilities being heated by the same type of furnace and it was questioned whether additional investigation should be done to determine the exact cause as a loss prevention measure. The county attorney advised that additional investigation should be conducted. The supervisors were in agreement that no further investigation was necessary on the cause of the fire. However, the board stated that if the payment of the claim was jeopardized because no additional investigation is done then the board would reconsider. The board further directed the county engineer to obtain an outside professional to inspect the two operating furnaces for the purposes of insuring that the units were operationally safe and that no hazard exists. The board advised that they were more interested in the safety of the two remaining furnaces at this time than determining what specifically caused the suspect furnace to catch fire.

The following was posted with 24-hour notice as provided in accordance with Iowa Code Chapter 21.

The board began working on the FY15 budget. The board asked various questions about the various documents. The auditor explained the overall process as well as the relationship of all of the individual budget requests to county taxation. The county attorney was present and provided comment on past budgeting issues as well as future funding matters.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Benton County Auditor

January 16, 2014

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 1:00 p.m.

The board met for the purpose of working on the FY15 budget. The board began reviewing individual budgets with the Treasurer, Maintenance, Recorder and Mental Health/Relief. The county attorney was present and provided comment on past budgeting issues as well as future funding matters.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Gina Edler, Deputy Auditor

January 21, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of January 14, 2014, January 15, 2014, and January 16, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve payment of checks numbered 208499 through 208695, payroll checks numbered 137320 through 137336, and ACH deposits numbered 19544 through 19668. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

160

Charmaine Wickwire and Dean Close of the Benton County Volunteer Program (BCVP) met with the board to explain the services provided by BCVP as well as request fiscal year 2015 funding. Wickwire explained that the organization provides medical transportation for the elderly, food distribution programs, and human outreach services. The organization serves individuals from ranging in age from "birth to death" and the services are not based on need. The board did not act on the funding request, but did state that the county provides the office space at no charge, which is ultimately a part of the county's funding. Close requested permission to use the lobby of the Governor Sherman building during Vinton's Masters Golf Tournament. Close explained that businesses set up a golf hole within their business and patrons play the course by going to each participating business. Close stated that it would provide exposure to the BCVP and the services provided. The board did not object to the use of the lobby for the event.

Moved by Hertle, seconded by Wiley, to table appointment of a member to the Board of Directors of the East Central Iowa Council of Governments. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the resignation of Roger Calvert from the secondary roads department, effective January 31, 2014. Calvert is retiring. All members voting aye thereon. Motion carried.

Tracey Achenbach with the East Central Iowa Housing Trust Fund (ECIHTF) spoke with the board via speak phone. Achenbach was not able to attend the meeting in person due to winter weather driving conditions. Achenbach provided an overview of what the organization did and how it was funded. Achenbach stated that the organization receives its funding through grants with local match requirements. The ECIHTF then provides services to low-to-moderate income homeowners with home repairs. Achenbach was requesting \$1355 in FY15 from Benton County to be used as the county's share of the local match. The organization serves three counties of which Benton County is the largest.

Employees of the Iowa State Department of Human Services Case Management (Case Management) office met with the board along with Acting Social Services Director Carol Zander. The purpose of the meeting was to provide an overview of the services being provided by Case Management to Benton County as well as upcoming changes with "Health Home". It was explained that the State of Iowa contracts with Magellan for Title 19 services. Discussion included what effect the regionalization of mental health services would have on case management and who would be contracting for the services. Currently Case Management leases office space in the Governor Sherman building and intends to continue.

Acting Social Services Director Carol Zander presented the General Assistance Quarterly Report for the period ending December 31, 2013. Zander explained that there was a 34% increase in food pantry services due in part to the federal sequestration in October. Zander reported that her office averaged 351 contacts per month for relief services.

Zander also presented a bill submitted by Attorney Steven Conroy for legal costs incurred in May of 2012 for a commitment case. Zander explained that the invoice had been submitted to Johnson County; however Johnson County just recently denied payment stating that the client was a Benton County resident. Moved by Wiley, seconded by Hertle, to approve payment of the \$49.10 invoice to Attorney Steven Conroy. All members voting aye thereon. Motion carried.

Representatives of Benton Development Group met with the board regarding the reorganization of the group as well as submitting a \$100,000 request for FY15 funding. Marlyn Jorgenson explained that the new officers were elected with him being elected as chairperson, Kristina Kremer as vice-chairperson, Ed Shaeffer as Secretary and Elize Healzer as treasurer. Jorgenson explained that BDG was re-organizing and reviewing past budgets to learn how resources have been utilized. The members are just beginning to determine how money was previously spent and are doing a self-audit of the last two years' financial records to gain a better understanding. Jorgenson reported that the organization has already received three requests for assistance. The group would like to create an advisory board and begin providing quarterly reports to the board of supervisors. The board of supervisors will be included in e-mails of all meetings as well. Jorgenson stated that BDG needs to have a plan going forward and that board member Harry Ruth has been developing one. The organization is committed to results, broadening the financial support, and re-establishing credibility. The executive board will be contacting each community in Benton County. They reported that BDG wants to be accountable and responsive. That it should be looked at as an investment and in the future people won't have to ask who the organization is - people will know. It was explained that BDG is looking at the future as a long-term deal and that if the county steps up to the plate with funding - there will be no funding increases requested over the next three years due to anticipated increases in private funding. Supervisor Wiley questioned if the \$100,000 funding would be reduced. Jorgenson replied that it would depend on the status of the organization, adding that it may be reduced, but if the organization is not re-established within three years then the entire matter may have to be re-considered. Jorgenson stated that BDG may consider moving the office to a more central location within the county at a future date but would continue to utilize the office in the Governor Sherman building for the present time. No action was taken by the board on the funding request but will be considered as the FY15 county budget is developed.

(Auditor Jill Marlow had to leave the meeting and Deputy Auditor Gina Edler took over as secretary to the board.)

Supervisor Hertle updated the board on the status of repairing the courthouse clock. Hertle stated he has received an estimate of \$39,500 to repair the clock. The estimate of \$39,500 would not cover the winders for the clock. The winders would be an additional \$10,000. He believes the grant could be used towards the cost of the winders. He questioned County Attorney David Thompson if he had to receive bids for this project and Thompson stated he did not believe he needed to receive bids because it was under the limit required by Iowa law.

Brian Gruhn reported that an agreement has been reached between Benton County and Teamsters, representing the employees of the sheriff's department. The tentative agreement provides for a 2 ½ % across-the-board wage increase with patrol deputies and detectives receiving an additional twenty cents per hour. Health insurance contributions will be \$25.00 for a single plan per month and \$185.00 for a family plan per month. The agreement is for one year. No action was taken by the board.

The board signed the contract for the bridge project let by Iowa Department of Transportation, contract #BROS-CO06(91)—5F06, to Taylor Construction, in the amount of \$278,144.50. Contract is for a ninety foot slab bridge located one mile south of Highway 30 on 19<sup>th</sup> Avenue. Work is to begin on or before July 28, 2014.

The board signed the contract for the bridge project let by the Iowa Department of Transportation, contract #BROS - CO06(93)--8J-06, to Taylor Construction, in the amount of \$312,823.95. Contract is for the bridge project located one mile east of Garrison on 19<sup>th</sup> Avenue. Work is to begin on or before July 14, 2014.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

161

Moved by Hertle, seconded by Wiley, to approve 69.5 hours of vacation carry-over requested by Myron Parizek. Said carry-over is to be used no later than May 1, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into closed session pursuant to Iowa Code 21.5(1)c. All members voting aye thereon. Motion carried at 11:20 a.m.

Moved by Hertle, seconded by Wiley, to return to open session. All members voting aye thereon. Motion carried at 12:05 p.m.

Moved by Wiley, seconded by Hertle, to present Ken Nemecek with the existing offer for land acquisition, if he refuses the offer, then an alternative is to be offered which is to acquire the west 360 feet by 7 feet of frontage property at an amount based on \$6457.60 per acre with no guarantee on the box culvert. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to recess. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to reconvene.

The board met for the purpose of working on the FY15 budget. The board began reviewing the attorney's budget. County Attorney David Thompson stated he is asking the board to give him full authority to give raises to his staff. He will not go over the approved amount that the board sets. He will decide if the employee is given a raise after a full evaluation. If the money is not given to the employee the money will go back to the general fund. The employee that started in November would wait to get an evaluation until their anniversary date to decide if they get a raise or not. Supervisor Hertle stated he is against mid-year raises. Thompson asked the board to receive spending authority for his collections and forfeiture funds, if he receives this spending authority the equipment line item in his budget can be placed at a zero amount.

The board reviewed the DHS FY15 budget. DHS Supervisor Mindy Druschel and Executive Officer Ed Herman were present. They were requesting from the board that they look into setting aside some money to paint, re-carpet and change the lighting in their building. It is not in the budget at this time. It was questioned if Iowa and Tama County would be able to help fund these changes. Herman told the board that they are working on becoming more paperless and are going to be getting rid of filing cabinets. Thompson asked if the county bought them. Herman said that they were purchased by the county and would contact Thompson when they were ready to get rid of them. Herman stated if it was ok he was going to start getting quotes on projects and giving them to the board for the painting, re-carpeting and lighting for the building.

The board also began reviewing the budgets of Public Health/Land Use, Sheriff and Veterans Affairs. The county attorney was present and provided comment on past budgeting issues as well as future funding matters.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Gina Edler, Deputy Auditor

January 24, 2014

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 1:00 p.m.

The board continued working on the FY15 budget. The board met the county engineer to review the sanitary disposal budget and the secondary roads budget. The board also met with the transportation director to review her FY15 budget request. The county attorney was present to provide comment on budgeting matters.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Benton County Auditor

January 27, 2014

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 1:00 p.m.

The board continued working on the FY15 budget. The board met the representative of county conservation and reviewed their FY15 budget request. The board also discussed future capital expenditures being considered by conservation. The board continued working on the FY15 budget with discussion on the various department requests as well as outside organizations. The board discussed the current distribution formula for the local option sales and services tax and potential uses. The county provided input on budgeting matters.

Moved by Hertle, seconded by Wiley, to recess. All members voting aye thereon. Motion carried at 4:30 p.m.

The board was reconvened at 7:00 p.m. at the Emergency Management Conference Room located in the Benton County Law Enforcement Center. All board members were present.

The Emergency Management Commission and supervisors received an update on the financial statements for the commission. Discussion was held on the bi-annual FEMA exercise to be held this year when the county will be evaluated on its response to a radiological event. The board of supervisors participated in the public hearing on the commission's FY15 budget.

Moved by Hertle, seconded by Frese, to adjourn. Motion carried at 7:45 p.m.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Benton County Auditor

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

162

January 28, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to authorize the signing of the 2014 Benton County Wellness Program letter detailing the program. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the minutes of January 21, 2014, January 24, 2014 and January 27, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Belle Plaine Mayor Dave Fish to the East Central Iowa Council of Governments Board of Directors, to the fill vacancy created by the resignation of Bill Daily from the board. All members voting aye thereon. Motion carried.

Ben Bonar, Integrated Roadside Vegetation Manager, presented the 2013 Benton County IRVM (Integrated Roadside Vegetation Management) Annual Report. The report details accomplishments of the IRVM committee including prairie restoration in county right-of-ways, noxious weed and roadside spraying, and the goals and objectives for 2014. The committee intends to increase public awareness of the program, conduct a seed harvest event, prairie walk, evaluate prairie remnants, develop a website, and inventory pioneer cemeteries for remnant prairie populations. Moved by Wiley, seconded by Hertle, to approve the 2013 Integrated Roadside Vegetation Management Annual Report. All members voting aye thereon. Motion carried.

The board discussed the restoration of the courthouse clock. Two companies have viewed the clock and will be providing information on what is needed for a total restoration to original condition. Robert Spangler, Chairman of the Benton County Historical Preservation Commission told the board that the commission plans to apply for grants and seek donations for the restoration. Scott Hansen volunteered to polish the bronze bell at no cost as a part of the project as well. It is the hope that grants and donations can be received that will cover the entire cost of the restoration and so that restoration can begin in FY15.

The board discussed entering into a 28E Agreement for the creation of a new landfill commission. Mayor John Watson reported that the City of Vinton is of the consensus that the two larger cities need to be on the executive committee. Watson stated that he understands that the rural population needs to be identified and represented but believed that Vinton and Belle Plaine should also be represented since they are the two largest cities. The discussion also included whether the executive committee is supposed to be an odd or even number. The county attorney explained the formula used for determining the representation. There was concern regarding the current by-laws establishing a six-member executive committee, specifically to the voting and the event of a tie with an even numbered executive committee. Moved by Hertle, seconded by Wiley, to adopt Resolution #14-5, RESOLUTION AMENDING THE INTERGOVERNMENTAL AGREEMENT CREATING THE BENTON COUNTY SOLID WASTE DISPOSAL COMMISSION. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #14-5

## **RESOLUTION AMENDING THE INTERGOVERNMENTAL AGREEMENT CREATING THE BENTON COUNTY SOLID WASTE DISPOSAL COMMISSION**

WHEREAS, the Benton County Solid Waste Disposal Commission is a duly organized intergovernmental corporate body under sections 28E, 28G, and 455B of the Code of Iowa, and;

WHEREAS, the 1973 Joint Agreement document needed updating to reflect the changes in waste management at the local, state, and federal levels, and;

WHEREAS, the updated 2013 Benton County Solid Waste Disposal Commission Articles of Agreement preserves the original purpose, powers and duties of the Benton County Solid Waste Disposal Commission.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors, that the 1973 Joint Agreement Creating the Benton County Solid Waste Disposal Commission be omitted in its entirety to be amended in its entirety with the 2013 Benton County Solid Waste Disposal Commission Articles of Agreement.

PASSED and APPROVED this 28<sup>th</sup> day of January 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

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## **2013 BENTON COUNTY SOLID WASTE DISPOSAL COMMISSION ARTICLES OF AGREEMENT**

This Agreement is made and entered into as of July 1, 2014, by and between the cities of Atkins, Belle Plaine, Blirstown, Garrison, Keystone, Luzerne, Mount Auburn, Newhall, Norway, Shellsburg, Urbana, Van Horne, Vinton, Walford, and Benton County in Iowa (hereinafter "Members").

The following Articles of Agreement shall govern the operation of the Benton County Solid Waste Disposal Commission.

### **ARTICLE I - NAME**

Section 1. Name. The official name of this organization shall be the Benton County Solid Waste Disposal Commission (hereafter "the Commission").

### **ARTICLE II - LEGAL STATUS**

Section 1. Legal Status. This Commission is a voluntary joint undertaking of public entities in or near Benton County, Iowa using a common "Waste Management Facility" pursuant to the provisions of Chapter 28E of the Iowa Code.

Section 2. Entity. This Commission is an ongoing legal entity created by the parties to this Agreement.

### **ARTICLE III - COMMENCEMENT OF OPERATIONS**

Section 1. Commencement of Operations. The operations of this Commission shall commence July 1, 2014, in the manner hereinafter provided. The eligible entities will adopt a resolution and the Joint Agreement will be filed with the Secretary of State by July 1, 2014.

### **ARTICLE IV - DURATION**

Section 1. Duration. The duration of this Commission shall be perpetual, unless terminated or dissolved as hereinafter provided.

### **ARTICLE V - PURPOSE**

Section 1. Purpose. The purpose of the Agreement is to revise the previous joint Solid Waste Management Commission established in 1973. The purpose of the Commission is to continuously study and implement methods and means to efficiently, economically and lawfully manage solid waste generated by these parties to this Agreement. Such management in the judgment of the Commission may include joint projects with other public or private agencies.

Section 2. The parties understand that the Commission is to be operated as a not-for-profit organization and no profit or dividend will inure to the benefit of any person.

### **ARTICLE VI - POWERS AND DUTIES**

Section 1. Powers. This Commission shall have the power to do all things necessary to carry out the stated purpose.

Section 2. Duties of the Commission. The duties shall include:

- a. To adopt by-laws for the operation of the Commission.
- b. To sue and be sued.
- c. To receive and expend funds for solid waste management purposes.
- d. To acquire, hold, use and dispose of real or personal property, money, material, labor, and supplies.
- e. To establish policies, procedures, budgets, and systems related to budgeting, accounting, auditing, and investment practices related to Commission operations.
- f. To participate in the development and implementation of state-required comprehensive solid waste management plans and subsequent updates.
- g. To keep Member entities and the public informed of changing requirements for solid waste management through regular meetings and other communications.
- h. To enter into contracts and agreements in furtherance of Commission purposes.



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- i. To acquire insurance necessary to protect the Commission, its property, employees, members, and their designated representatives.
- j. To make or cause to be made studies related to commission purposes.
- k. To contract with consultants for professional services including but not limited to architects, engineers, planners, attorneys, accountants, and rate specialists, for Commission purposes.
- l. To prepare and recommend to members ordinances to govern refuse collection, transportation, and disposal, regulation of private collection haulers, land use regulations, sanitation, burning of private or public wastes, incineration standards, or other regulations believed to further commission purposes. Neither the Commission nor the executive board shall have authority to regulate the manner and method of pickup of any solid waste in any municipality nor shall they have authority to bind any municipality as to charges for pickup and delivery unless said municipality shall agree to such regulations by written consent.
- m. To consult and/or contract with Federal, State and local agencies or departments on matters related to the furtherance of Commission purposes.
- n. To borrow money, make and issue negotiable bonds, certificates, bond anticipation notes, refunding bonds and notes, and to secure the payment of such bonds, certificates, refunding bonds and notes or any part thereof by a pledge of any or all of the Commission's net revenues and any other funds which it has a right to, or may hereafter have the right to pledge for such purposes.
- o. To provide, in the proceeding authorizing such obligations, for remedies upon default in the payment of principal and interest on any such obligations including but not limited to, the appointment of a trustee to represent the holder of such obligations in default and the appointment of a receiver of the Commission's property, such trustee and such receiver to have the powers and duties provided for in the proceedings authorizing such obligations.
- p. To assess members in the amount deemed necessary to meet Commission purposes, and to bill members and other users for the management of solid waste and/or other materials.
- q. To hire and terminate employees, fix their compensation and benefits, and establish personnel rules and regulations.
- r. To pursue and accept grants related to Commission purposes.

### Section 3. Acquiring and Holding Property.

- a. The Commission may lease, purchase, or acquire by any other means such real and personal property deemed necessary for the operation of the Commission and carrying out the purposes of this Agreement. The Commission shall maintain title to all such property in the name of the Commission and an inventory of all Commission equipment shall be maintained. Property shall be acquired or disposed of only upon a majority vote of a quorum attending a duly called Commission meeting.
- b. All conveyances of real property owned or held in the name of the Commission shall be made and executed on behalf of the Commission by the Chairman or Vice-Chairman and Secretary of the Commission.

## ARTICLE VII - TECHNICAL COOPERATION

Section 1. Provision of Local Records. The Members agree to ensure that local records are made available to the Commission, its employees, contractors, or consultants as needed to carry out the purposes of the Commission and the terms of this Agreement.

Section 2. Provision of Professional Reports. The Members agree to ensure that engineers, architects, and consultants hired by the Members release materials, data, reports, and other pertinent items to the Commission, its employees, contractors, or consultants, as needed to carry out the purposes of the Commission and the terms of this Agreement.

## ARTICLE VIII - FINANCING

Section 1. In the performance of its duties, the Commission may cooperate with, contract with, and accept and expend funds from federal, state or local agencies, and public or semi-public entities, private individuals, or corporations and may carry out such cooperative undertakings and contracts as needed to complete the purposes of this Agreement.

Section 2. The expenditures of the Commission shall be within the amounts appropriated or provided to the Commission by Member assessments, grants, gifts, contract receipts, tonnage fees, or other documented revenue sources.

Section 3. The Commission shall prepare a budget based on a July 1 to June 30 fiscal year for the operation of the Commission to be adopted by no later than January 15<sup>th</sup> of the current fiscal year.

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Section 4. The Commission shall inform each Member of proposed assessments, tipping fees, and all other rates, by no later than January 15<sup>th</sup> of each year.

Section 5. The Commission, for the purpose of allocating the portion of the Commission budget for operational costs and for the retirement of the original bonds and interest for each Municipality, shall adopt a percentage formula for the Commission membership based upon population as shown by the official, most recent, federal census, and shall adopt a similar formula for all subsequent operational costs, bonds, interest and improvements based upon the latest official federal census for each Municipality.

Section 6. Member assessments shall be paid in equal installments either monthly or quarterly to be determined between the Commission and the Member.

Section 7. The Commission may adopt both annual and special assessments. The failure of a Member to pay either an annual or special assessment may be considered a momentary withdrawal of that Member and a default of this Agreement. The determination of whether or not said failure is treated as a momentary withdrawal shall be made by a majority vote of the remaining, non-defaulting, members.

Section 8. Special Assessments. The Commission may assess an additional fee, i.e. a special assessment, in excess of the Annual Assessment. The approval of a Special Assessment shall require at least 75% of all possible votes of the Commission members.

## **ARTICLE IX - MEMBERSHIP**

Section 1. Members. The Members of this Commission may be those entities authorized by Chapter 28E, Code of Iowa, to make joint agreements for the purposes stated in this Agreement.

Section 2. The governing body of the Commission shall be designated as the Commission. Each Member city signing onto this Agreement shall have one representative on the Commission. The Benton County Board of Supervisors shall designate seven (7) representatives to serve on the Commission: one representative from the Board of Supervisors; two at-large representatives; and at least four representatives that reside in the unincorporated portion of Benton County. The Commission shall consist of representatives of each Member which could be an elected person of the governing body of each Member or a designated substitute to be approved by the Member to be represented. Said representative shall continue to represent that Member until the chairperson has received notification from the Member appointing a new representative. An alternate shall be designated for each representative in the same manner as representatives are designated and shall attend and be entitled to vote in the same manner in the absence of designated representative.

Section 3. There shall be one class of membership in the Commission, which shall be full membership and each Member entity shall approve, by resolution of its governing body, its representation within the Commission.

Section 4. New Member. As the Commission was legally formed in 1973, pursuant to Chapter 28E, Code of Iowa, the Commission may accept a new Member as a party to this Agreement by the following process:

- a. Such entity shall make application by its governing body adopting a resolution authorizing application and agreeing to be bound by the terms of this agreement upon approval of their membership by the Commission
- b. A copy of the resolution and application shall be sent to the Commission.
- c. The Commission shall consider and act upon such application at its next regular meeting and shall notify the applicant of the Commission's decision within ten (10) days thereof.
- d. An amendment to this agreement is required to add a new Member as a party to this Agreement, and the provisions of this agreement set out at Article XIV shall be followed.
- e. If the applicant's request for membership is approved, the new Member shall appoint a representative to the Commission and notify the Commission of this appointment, and shall thereafter execute this agreement, before any rights inure to the benefit of said Member.
- f. The chief elected official, or designated representative of the Member, shall execute the Agreement on behalf of the new Member.
- g. The Commission shall cause the filing of all documents required to be filed with the Iowa Secretary of State.
- h. If the new Member joins the Commission at a time other than the beginning of the fiscal year, the new Member shall be assessed a pro-rated share of the basic assessment calculated according to the number of months of membership in the year divided by twelve (12) months; partial months shall not be pro-rated.

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- i. If a Special Assessment is in place and a repayment agreement has previously been negotiated, the repayment agreement shall be modified to reflect the addition of the new Member, the new Member shall agree to the repayment agreement as a condition of membership.

Section 5. Duration of Membership. A Member of this Commission shall continue its membership herein until such time as (i) the Member is expelled, as hereinafter provided, (ii) the Member terminates its membership herein, as hereinafter provided, (iii) this Commission is dissolved, as hereinafter provided or (iv) this organization is terminated, as hereinafter provided.

Section 6. Members-Expulsion. A Member of this Commission may be expelled from membership in this Commission for cause:

- a. The only cause for expulsion shall be a continued violation of the provisions of this Agreement.
- b. The Commission By-Laws shall establish the procedure required for expulsion of a Member for cause.
- c. Expulsion shall not relieve the expelled Member from its obligation to pay its share of Commission expenses and liabilities, incurred or approved to be incurred, during such time as the expelled Member was a Member of the Commission.

Section 7. Membership-Termination. Membership may be withdrawn from this Commission in the following manner:

- a. The governing body of the Member shall adopt a resolution to withdraw from the Commission as of a date certain.
- b. A certified copy of the resolution shall be sent to the Commission by certified mail, or personally served upon the Chairman of the Commission.
- c. Such withdrawal shall not be effective until at least one year has passed since delivery of the Resolution to the Commission.
- d. Membership termination shall not relieve the withdrawing Member of its obligation for a proportionate share of any outstanding project assessments for the agreed upon duration of those assessments. This proportionate share shall be dedicated to the repayment of capital expenditures and paid on the same schedule as all remaining Members' payments, unless the withdrawing Member seeks to make repayment on a more rapid schedule.
- e. If a Member votes against a Special Assessment approved as outlined in Article VIII, Section 7, and subsequently withdraws from the Commission, the withdrawing Member shall not be obligated to a share of the Special Assessment provided the withdrawing Member adopts a resolution signifying its withdrawal from the Commission and provides that resolution to the Commission prior to the Commission formally incurring debt on behalf of its Members. Commission shall not incur debt under Article VII, Section 7 until at least 30 days has passed since approval of the assessment.
- f. A Member that withdraws that later rescinds that decision or subsequently applies to re-join the Commission shall be obligated to pay the Special Assessment they would have paid but for their withdrawal, as a condition of membership.

### **ARTICLE X - RESOLUTION OF DISPUTES AMONG MEMBERS**

Section 1. Except as may be otherwise required by law the Members agree that any disputes which may arise between them or between them and the Commission, involving interpretation of this Agreement, shall be resolved whenever possible by voluntary negotiation in which the executive director of the Regional Council of Governments may act as mediator, or such other mediator chosen by a majority vote of the total commission votes. Such negotiation shall, however, not be obligatory and may, if commenced, be terminated at any time by withdrawal of any party to the conflict.

Section 2. At any time from and after it first appears that such a conflict exists, including the period of voluntary negotiation proposed, any Member or group of Members, collectively, or the Commission as a whole, if a majority of the Members agree, may invoke the processes of arbitration hereinafter described in the following manner:

- a. By serving notice by certified mail upon all adverse parties, and in all cases the Commission, stating as simply as possible the points of difference between the parties stating that the party is initiating such arbitration procedures and the completed service of such notice shall be deemed to have initiated such procedures. Within ten (10) days thereafter the parties to the dispute (acting jointly if more than one) shall each select an arbitrator and shall notify the other in writing of the name and address of the arbitrator selected. The arbitrators so selected shall within ten (10) days after being notified of their selection select a third arbitrator, and after doing so shall in writing forthwith notify the involved Members and commission of the name and address of such third arbitrator. The three arbitrators selected as aforesaid shall immediately proceed to determine the points of difference stated in such notice, and the conclusion of said arbitrators, or a majority of them shall be reduced to writing and submitted in writing to the

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involved parties and the Commission, and the determination so made shall be binding upon both the parties and the Commission and shall form the basis for future guidance of the parties and the Commission on the issue(s) so resolved.

- b. If either party shall fail to select an arbitrator as provided above, the arbitration shall be heard and decided by the one arbitrator identified by the selecting Member. The parties to the dispute (collectively, if more than one Member constitutes a single party) shall share equally in the expense of the arbitration. In the event the said arbitrators, or a majority of them shall fail to agree upon a determination of the issues within thirty (30) days after the matter is submitted to them said arbitrators shall be discharged and the proceedings had before them shall be abandoned, and if, for the foregoing or any other reason, any arbitration shall fail, a new arbitration shall be immediately commenced by naming new arbitrators as above provided, and the parties shall so continue until a determination shall be made by such arbitrator(s) or a majority of them as herein provided.
- c. Any vacancy on said board of arbitrators may be filled by the party originally entitled to select such arbitrator, and if such party neglects to do so for a period of ten (10) days after written notice by the other party to select such arbitrator, then such vacancy shall not be filled, and the arbitration decided by the remaining arbitrators.
- d. No arbitrator shall be appointed hereunder unless he be entirely disinterested, not related to another arbitrator or any party; and considered a "licensed" arbitrator under applicable Iowa law and/or regulation.
- e. It is the intent of this Agreement that recourse to arbitration as prescribed shall be a mandatory condition precedent to the invocation of a judicial remedy, and that such arbitration shall be final and binding upon the parties thereto, save and except the limited judicial review allowed by Iowa law.
- f. In rendering the final, binding decision within thirty (30) days of the submission of the matter to them, the arbitrator(s) shall have no power in such decision to add to, subtract from, modify or amend the express terms of this Agreement or of the Commission's By-laws. A decision of the Arbitrator(s) within the scope of the arbitrator's authority shall be final and binding upon the Members and Commission. Said decision may not be applied retroactively beyond the date of the specific event that led to the arbitration procedures.
- g. Each party (collectively, if more than one Member constitutes a single party) shall be responsible for its own costs, and the cost of the arbitrators shall be divided equally among the parties. Any party seeking to have the proceedings recorded shall be responsible for the payment of the recording costs.

Section 3. In the event of Court involvement, the parties hereby consent and agree to the jurisdiction of the State of Iowa and the venue of Benton County, Iowa. All disputes shall be decided according to the laws of the State of Iowa and the prevailing party shall be entitled to reasonable attorney's fees.

## **ARTICLE XI - DISSOLUTION**

Section 1. Dissolution. This Agreement and the Commission may be dissolved at any time by a unanimous vote of the membership, following which all Members shall pass a resolution supporting such Commission action.

Section 2. Disposition of Assets. If the Commission is dissolved, funds in the keeping of the Commission shall be distributed among the Members at the time of dissolution on a pro-rated basis according to the same formula (per Member population) used for the collection of basic assessments but for any funds required to be maintained by law or regulation, in a fund to manage the closed landfill or existing or closed transfer station, and/or any other landfill/transfer station mandated reserve fund or account.

## **ARTICLE XII - TERMINATION**

Section 1. Termination. This Agreement and the Commission shall automatically terminate at any time when there are less than two (2) Members hereof.

Section 2. Disposition of Assets. If the Commission is terminated under this Article, funds in the keeping of the Commission shall be distributed to the final Member at the time of termination, but for any funds required to be maintained by law or regulation, in a fund to manage the closed landfill or existing or closed transfer station, and/or any other landfill/transfer station mandated reserve fund or account.

## **ARTICLE XIII - AMENDMENTS**

Section 1. The terms of this Agreement may be amended by a majority vote of all possible votes of the Commissioners followed by the approval of same by Resolution of a majority of Member municipalities.

Section 2. Amendments must be in writing and submitted for Commission consideration at one meeting and voted on at a subsequent meeting of the full Commission.

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Section 3. If a Member fails to take action for or against a proposed amendment within sixty (60) days after its receipt by such governing body, it shall be deemed that such body has given its consent to such amendment.

Section 4. Any duly approved amendments to the Agreement shall be filed with the Secretary of State.

## **ARTICLE XIV - COMPREHENSIVE PLAN & FLOW CONTROL RESPONSIBILITIES**

Section 1. To the extent permitted by the Constitution and laws of the United States and the State of Iowa, all Members shall require that all waste generated or collected within their jurisdictions shall be delivered to and deposited in the disposal facility(ies) designated by the Commission in its comprehensive solid waste management plan or most recent update thereof.

Section 2. The Commission shall accept for disposal at its facilities all solid waste generated and collected within the service area boundaries of any member, without regard to whether such waste was collected by a public or private entity; provided that such solid waste when delivered is in compliance with the Commission's rules and regulations and is a waste of a kind and nature suitable for disposal at the Commission's site. The Commission may, at its option, refuse to accept any waste for disposal which it, in its sole discretion, deems unsuitable for disposal at the site.

Section 3. All Commission Members shall participate in the waste stream reduction plans as outlined in the Commission's comprehensive solid waste management plan or most recent update thereof. Members shall take all steps necessary to implement their waste stream reduction plans.

## **ARTICLE XV - RESPONSIBILITY OF INDIVIDUAL MEMBERS FOR COMMISSION INDEBTEDNESS**

Section 1. Any indebtedness, liability or expenditure which is initiated, accrued or acquired during the period of time of any individual Member unit's membership in the Commission shall continue to be an obligation of said Member unit until such indebtedness, liability or expenditure is fully paid or satisfied. All Member units shall continue to be responsible for their proportionate share of said indebtedness, liability or expenditure during the period of time the obligation remains outstanding.

## **ARTICLE XVI – LIABILITY AND INDEMNIFICATION**

Section 1. The parties hereto shall, at all times during the term of this Agreement and thereafter, indemnify, defend and hold one another harmless against all claims and expenses, including legal expenses and reasonable attorneys fees, in any way related to and/or arising out of the parties membership in the Commission. This obligation shall apply to claims related to the death of or injury to any person or persons, damage to property, and any other claim, proceeding, demand, expense and liability of any kind whatsoever resulting from any action or inaction of a member, after said Member has admitted liability or has been found liable by a court of law or arbitrator, if arbitration has been agreed to or has otherwise been legally invoked. Notwithstanding the above, each entity at all times reserves the right to retain counsel of its own to defend its respective interests.

## **ARTICLE XVII – ENTIRE AGREEMENT AND SEVERABILITY**

Section 1. The Members acknowledge that this Agreement is the complete and entire agreement of the Members establishing the Commission and shall supersede and replace any and all prior agreements, whether written or oral, regarding the Benton County Solid Waste Disposal Commission. Nothing further may be utilized to explain, contradict or nullify the agreement. The parties further agree that this document is 26 pages in length, including the signature pages, and encompasses 19 numbered Articles, each with their own sections and in some cases subsections. Each party has had ample opportunity to seek independent advice with regard to the terms of this Agreement.

Section 2. If any provisions of the Agreement or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these Articles which can be given effect without the invalid provisions or application, and to this and the provisions of these Articles are declared to be severable.

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## **ARTICLE XVIII – ARTICLE HEADINGS**

Section 1. The article headings contained in this Agreement are for reference purposes only and shall not affect the meaning or the interpretation thereof.

## **ARTICLE XIX – EXECUTION OF DOCUMENTS AND RECORDATION**

Section 1. The parties agree to timely execute any documents necessary to carry out the terms of this Agreement. The parties further agree that this document may be executed outside the presence of the other party and in separate counterparts.

County of Benton, Iowa

(Seal)

By \_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
Auditor

Moved by Hertle, seconded by Wiley, to support the change in the proposed by-laws for the Solid Waste Disposal Commission to provide that the overall composition of the executive committee shall have two representatives appointed by Member cities, one representative appointed by the City of Belle Plaine, one representative appointed by the City of Vinton and two representatives appointed by the County. All members voting aye thereon. Motion carried.

Jerry Petermeier met with the Board to again request that the board amend the current lease agreement to increase the net asset amount to \$450,000 adjusted annually for inflation from \$200,000 adjusted annually for inflation. The current lease agreement requires that the net assets over \$200,000 (adjusted annually for inflation since the facility was privatized) be paid to the county. Benton County provided \$200,000 when the facility was privatized for an operating reserve. Currently, the adjusted amount is \$317,162, with any net assets in excess being paid to Benton County. Benton County will receive in excess of \$100,000 during the current fiscal year. Supervisor Hertle was in support of amending the lease, which would result in the Cedar Valley Ranch not paying anything to the county until their net assets exceeded \$450,000 adjusted annually for inflation. The auditor stated that she was not in favor of the amendment – stating the Hertle was concerned about the county balancing a budget and this would result in a loss of revenue for the county. The auditor also stated that other parts of the current lease require the county to maintain the facility and reported that the county spent \$48,000 last year constructing a new garage. The county has also incurred expense putting city water and sewer to the facility. The auditor added that eliminating the revenue would not eliminate the county's responsibility to maintain the facility. Petermeier stated that the Cedar Valley Ranch installed the air conditioning at their expense – an expense that normally would have been the county's expense. The auditor added that the county waived all rental payments for five years in exchange for the air conditioning expense. The auditor stated that the issue could be considered each year instead of making a blanket change. Supervisor Wiley did not believe that the agreement should be amended at this time. No action was taken.

Gary Bierschenk met with the board regarding the J-Turn proposal for the intersection of Highway 218 and 30. Bierschenk advised that the Iowa Department of Transportation (DOT) requires definitive support from the county for an interchange at the intersection. Supervisor Hertle was opposed to an interchange at that location – stating that it would be too costly. Bierschenk advised that the original plans for the intersection was an interchange, but that opposition arose due to the amount of land that would be required. Hertle stated that he supported an intersection with a widened median and acceleration lanes. Bierschenk stated that the interchange would aid with economic development and had many other advantages, but ultimately it was up to the supervisors as to whether the county would support the interchange. No action was taken.

Rhonda Henderson met with the Board to request approval for Dana Burmeister to attend the annual out-of-state RouteMatch Conference, being held March 31, 2014 through April 1, 2014. Henderson reported that 80% of the cost would be paid by the Iowa Department of Transportation. Moved by Wiley, seconded by Hertle, to approve the request and allow Burmeister to attend out-of-state training. All members voting aye thereon. Motion carried.

The board reviewed the applications for suballocated MAP-21 funds. Benton County is part of the Regional 10 Regional Planning Affiliation (RPA) who annually receives approximately two million in federal Surface Transportation Program (STP) funds for locally significant projects. The Board of Supervisors is responsible for reviewing all of the applications for funding received from within the county and for determining the suballocation. Four applications were submitted as follows:

City of Shellsburg – West Main Street Reconstruction – Phase 2 – federal funds requested: \$460,000

City of Urbana – Union St. Improvements – Phase 2 – federal funds requested: \$405,689

Benton County – D-65 Bridge, Mt. Auburn – federal funds requested \$440,000

Benton County – E-44 Bridge, Keystone – federal funds requested \$400,000

The City of Shellsburg included engineering fees in their request, which has not historically been funded. Moved by Hertle, seconded by Wiley, to approve the applications as submitted with the exception of the City of Shellsburg, who is approved at \$400,000 (request less engineering costs). All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to recess until 1:30 p.m. All members voting aye thereon. Motion carried.

The board reconvened at 1:30 p.m. with all members present.

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The board discussed salaries and wages for non-union employees for FY15. Supervisor Hertle stated that the board should follow the recommendations of the compensation board and consider a two percent across-the-board increase. The board discussed the hours of work for the Veterans Affairs Director and the need to keep the position under thirty hours per week. The auditor questioned if that was within the supervisors' authority or if it lied with the veterans' affairs commission. The county attorney advised that the Board of Supervisors could set the maximum hours per week worked by the director of veterans' affairs. The board also discussed a larger increase for the courthouse maintenance staff and the office manager at secondary roads. Supervisor Wiley stated that he was supportive of the larger increase for courthouse maintenance staff as they used many of their own tools, which saves the county money. The secondary roads office manager has been performing the duties of two employees due to the retired employee not being replaced. Moved by Hertle, seconded by Wiley, to approve a four percent increase for the secondary roads office manager, a five percent increase for courthouse maintenance staff, and a two percent across-the-board increase for all other employees, who are not currently covered by a union contract. The two percent increase applies only to the land use side of the public health/land use employees. The public health board sets the salary for the public health side of the public health/land use employees, which was set at three percent. The motion does not apply to the integrated roadside vegetation manager as his increase was determined at the time of hire. The motion does not apply to the engineer as his wage is to be set separately. The motion does not apply to conservation employees whose salaries are set by the conservation board. All members voting aye thereon. Motion carried.

County Attorney Dave Thompson requested the authority to determine the amount of salary increase for the staff in his office. Thompson stated that he would prefer to base the salary increases based on job evaluations, but that no employee would receive more than the approved two percent. Supervisor Wiley agreed that performance evaluations were key to an employee's development and agreed that the county attorney's request had merit. Wiley questioned the auditor as to the implications of approving such a request. The auditor questioned if the board was going to allow midyear salary increases. Supervisor Hertle remained firm in his position that no increases are to be given midyear. The auditor agreed that the request had merit as department heads are in a position to best know their employees; however, it was necessary that any change in the two percent be submitted to her office by June 1<sup>st</sup> to allow time for preparation of the payroll software. Supervisor Hertle was opposed stating that it would cause dissent within an office if one employee received a larger percentage than another. Moved by Wiley, seconded by Frese, to allow the department head to administer the wage/salary increase of the employees within their department, when and if appropriate. That any adjustments are to be filed with the auditor no later than June 1<sup>st</sup> prior to the fiscal year that they are to take effect. No employee is to receive more than percentage increase set by the supervisors. In the event an employee is granted less than the percentage increase set by the board, then the excess funds are to be removed from the departmental budget and returned to the general fund. Frese and Wiley voting aye. Hertle voting nay. Motion carried.

The board met with the engineer to discuss current and future duties of the engineer, performance and salary. The engineer was present and requested that the board enter into close session pursuant to Iowa Code 21.5(1)i. Moved by Hertle, seconded by Wiley, to enter into closed session. All members voting aye thereon. Motion carried at 2:55 p.m.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 3:55 p.m.

Moved by Hertle, seconded by Wiley, that due to the uncertainty of the future landfill management duties the salary of the county engineer is set at \$90,000.00, effective July 1, 2014. All members voting aye thereon. Motion carried.

The board continued working on the FY15 budget. The engineer reminded the board that additional budget authority was needed from what was originally presented for his department due to replacing the equipment destroyed by the fire. All but \$1000.00 should be reimbursed by the county's insurance carrier.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 4, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of January 28, 2014, with the correction that the Cedar Valley Ranch was requesting the lease be changed to \$400,000.00 instead of the original \$450,000. Supervisor Hertle stated that Jerry Petermeier had telephoned him and asked if the board would consider \$400,000.00 and Hertle advised Petermeier to come before the board. All members voting aye thereon.

Marc Greenlee presented an application for a farm exemption submitted by Kevin and Tressa Walton. The applicants are involved in a farming operation, owning and farming 35.4 acres in CRP/tillable use. The applicants request approval to construct a new residence. Moved by Wiley, seconded by Hertle, to approve a farm exemption as authorized in the Benton County Agricultural Land Use Preservation Ordinance for the purpose of constructing a residence on a parcel described as being a part of the SE NW EX COM NE COR W621 of 11-85-10 NW except commencing W1/2 of the NW1/4 SW1/4 of Section 33-83-11. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the application for disabled veteran's credit on parcel #010-16100. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve payment to Hewlett Packard in the amount of \$10,032.14. All members voting aye thereon. Motion carried.

County Conservation Executive Director Matt Purdy spoke to the board regarding a budget amendment as well as changes to his budget request for fiscal year 2015. Purdy spoke about FEMA projects to be completed as well as grant income and expense. No action was taken by the board.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Supervisor Hertle reported that he met with Jim Schnoeblen of the Iowa Department of Transportation (IDOT) regarding the J-Turn proposal at the intersection of Highways 218 and 30. Hertle reported that Schnoeblen indicated that the resolution adopted by the county in December 2013 was "meaningless" as it didn't provide any recommendations. Hertle stated that he informed Schnoeblen that the county was opposed to the J-turn proposal and if the Iowa Department of Transportation did not accept the supervisors' recommendation for modifications to the intersection, then nothing should be done to the intersection at all. Supervisor Wiley stated that the feedback he was receiving was that if the IDOT did not modify the intersection as recommended by the county, then the IDOT should move toward a one-half clover leaf design. Supervisor Frese agreed that there was no support for the J-turn design. The board discussed how to more clearly relay their position to the IDOT.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-6, AMENDING RESOLUTION #13-96 OPPOSING THE IOWA DEPARTMENT OF TRANSPORTATION J-TURN INTERSECTION AT HIGHWAYS 218 AND 30. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #14-6  
AMENDING RESOLUTION #13-96  
OPPOSING THE IOWA DEPARTMENT OF TRANSPORTATION J-TURN INTERSECTION AT HIGHWAYS 218 AND 30

WHEREAS, the Benton County Board of Supervisors adopted Resolution #13-96, on the 24<sup>th</sup> day of December 2013, wherein the Board stated its opposition to the Iowa Department of Transportation J-turn intersection at Highways 218 and 30; and WHEREAS, the Board of Supervisors has been advised that the Iowa Department of Transportation does not believe the board of supervisors has clearly stated their position and recommendation; and WHEREAS, the Board of Supervisors desires to set forth a clear and definitive directive regarding the design of the intersection at Highway 218 and Highway 30,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the final paragraph of Resolution #13-96, adopted on December 24, 2013, is AMENDED as follows:

IT IS FURTHER RESOLVED by the Benton County Board of Supervisors that we are opposed to the J-turn proposal at Highway 30 and Highway 218 and that the Iowa Department of Transportation be directed to include an expanded median with acceleration lanes entering Highway 30 from Highway 218 in both the eastbound and westbound traffic lanes.

All other parts of the original resolution adopted on December 24, 2013, remain in full force and effect.

PASSED and APPROVED this 4<sup>th</sup> day of February 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in sections 12 and 13 of Canton Township, east of 33<sup>rd</sup> Avenue Drive and 64<sup>th</sup> Street. All members voting aye thereon. Motion carried.

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

172

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-7, APPROVING HIRE OF ALAN JACKSON. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-7**

WHEREAS: Benton County Secondary Road Department has a position to fill for a Mechanic in Shop and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Alan Jackson be hired to fill the position of Mechanic at a starting wage of \$18.07 per hour starting February 10, 2014. This is an Equipment Operator III classification with a Labor Grade VA.

Signed this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-8, APPROVING HIRE OF JEFF BAHR. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-8**

WHEREAS: Benton County Secondary Road Department has a position to fill for a Signman at the Main Shop and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Jeff Bahr be hired to fill the position of Signman at a starting wage of \$18.07 per hour starting February 18, 2014. This is an Equipment Operator I classification with a Labor Grade IIIA.

Signed this 4<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
County Auditor

The county engineer requested authority to advertise to fill a vacancy within the bargaining unit of his department. The engineer stated that due to the recent retirement of a motor grader operator, and after opening up the position to bargaining unit members, that a position will become vacant (although the exact position is not known at this time). Moved by Wiley, seconded by Hertle, to authorize the engineer to advertise to fill the vacated position, once bargaining bidding is complete. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account in the Blairstown bank on January 31, 2014, was \$55,474.50.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

173

The auditor requested that the board approve the premium for the county's health insurance for fiscal year 2015. The county is a member of the Iowa State Association of Counties health plan and self-funds a portion of the insurance. Moved by Wiley, seconded by Hertle, to approve the monthly health insurance premiums for FY2015 as follows:

Employee:

Family Plan – \$1,459.82  
County Share: \$1274.82 Employee Share: \$185.00  
Single Plan – \$628.48  
County Share: \$628.48 Employee Share: \$25.00

Retiree:

Family Plan - \$1,459.82  
Single Plan - \$628.48

Retiree share is 100% for both plans

All members voting aye thereon. Motion carried.

Mike Ruden and Mark Fassbinder of IIW, P.C. met with the board to discuss the courthouse window replacement project. The current windows were installed in the mid 1970's. The county has been setting funds aside over several years to pay for the project. The county bid the project in 2008; however it was not awarded due to the flood event that occurred. The architect and engineering company at that time was Durrant. Durrant is no longer in business. Ruden and Fassbinder were involved with the project in 2008. The auditor questioned copyright infringement of the plans and drawings prepared by Durrant in 2008. Ruden advised that IIW would contact the proper personnel to have the documents released. Ruden reviewed the scope of the project as well as the scope of the architect and engineering services. The estimated cost of the project is \$600,000 based on bids submitted in 2008. The cost of architect and engineering services is approximately \$49,500.00, which includes four meetings with the supervisors, pre-bid meeting, pre-construction meeting, four project review trips per months during construction, review and approval of pay applications, and final inspection. Ruden stated that lead paint may have been used on the windows and testing would need to be completed, which IIW does not provide. Auditor Marlow stated that the county has a company that they have used for similar projects. Ruden also stated that lead abatement, if needed, would not be included in the bid documents and the county would be responsible for arranging for the abatement. It is estimated that the actual installation may take four months, which may be reduced if there is free access to the windows and if the project can be done in blocks. The board indicated that the county would take the necessary steps to reduce the installation time. There was significant discussion on the type and style of window to be installed. Moved by Hertle, seconded by Wiley, to proceed with the courthouse window replacement project and to contract with IIW, Inc. for architect and engineering services relative to the project. All members voting aye thereon. Motion carried. IIW is to prepare a contract for services for consideration by the board.

The board continued working on the FY15 county budget.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

February 10, 2014

The Benton County Board of Supervisors met in a special work session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 2:04 p.m.

The board continued working on the FY15 county budget. The board reviewed the budget as a whole and discussed levy rates and limits.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

February 11, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of February 4, 2014 and February 10, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into a lease agreement with Gary Toyne for leasing of the county's farm ground located at what is currently known as the Cedar Valley Ranch. Toyne questioned the current markers in the field, which would indicate that part of the tillable ground is being sectioned off. The board agreed to adjust the number of acres, if necessary. All members voting aye thereon. Motion carried.

Recorder Lexa Speidel requested that the security monitor be removed from her office. The board discussed the request and that the monitor was a preventive measure and did not believe the unit should be removed. Moved by Hertle, seconded by Wiley, to authorize the recorder to raise the monitor, if necessary, or to move it within the current office, but the monitor is not to be removed. All members voting aye thereon. Motion carried. Supervisor Wiley stated that the monitors should be actively used where ever they are installed and that the supervisors should lead by example.

Land Use Administrator/Sanitarian Marc Greenlee met with the board regarding the purchase of a used 2013 GMC extended cab four-wheel drive pickup. Greenlee had spoken to the board during budget sessions about the need to replace his current vehicle. The county has been setting aside funds on an annual basis so that when the need arose funds would be available.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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The purchase price with trade-in is \$29,610.00. Greenlee stated that the vehicle has approximately five thousand miles on it and that he spoke with the previous owner. The previous owner advised that he was just downsizing in vehicles. The pickup has a topper and running boards currently installed. Moved by Hertle, seconded by Wiley, to authorize the purchase of the 2013 GMC truck from Ervin Motor at a price of \$29,610, with trade-in. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claims submitted by Tammy Wetjen-Kestersen for Decategorization services for the months of December 2013 and January 2014, each in the amount of \$2,716.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 208700 through 208925 (checks numbered 208696 through 208699 are voided), payroll checks numbered 137337 through 137352, and ACH deposits numbered 19669 through 19791, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-9, CHANGE IN LABOR CLASSIFICATION FOR DONALD BURKEY. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #14-9

WHEREAS: A posting for the position of maintainer operator at Vinton Shed has been completed, and

WHEREAS: One person signed the posting, and

WHEREAS: This person has the necessary qualifications, and

WHEREAS: This person is recommended for the position.

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that Donald Burkey be the Maintainer Operator at Vinton Shed with a labor grad classification of IVD. The base wage will be \$19.01. The effective date will be February 10, 2014.

Signed this 11<sup>th</sup> day of February 2014

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve the Veterans' Affairs quarterly report for the period ending December 31, 2013. All members voting aye thereon. Motion carried.

The board reviewed the proposed contract between Benton County and IIW for architect and engineering services for the window replacement project at the courthouse. The county attorney advised that he had not reviewed the contract. The auditor advised that she had e-mailed

IIW with several questions regarding the contract and had not received a response. Moved by Hertle, seconded by Wiley, to table entering into a contract with IIW for architect and engineering services. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-10, ABATEMENT OF TAX AND INTEREST. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #14-10  
ABATEMENT OF TAX

WHEREAS, the County was notified that a building on leased land was removed; and

WHEREAS, the value was removed from the tax rolls for current and future years; and

WHEREAS, the owner has requested that the 2011 tax and interest be abated;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the delinquent tax and penalty on parcel 270-12941 is hereby abated in full.

Signed this 11<sup>th</sup> day of February 2014

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Gary Toyne returned to the board room to request that the acres be adjusted on the farm lease agreement. The auditor's office traced the tillable property using the geographic information system and calculated that the tillable acres are approximately 38.0 instead of 38.4. Toyne advised that when he conducted the required soil sampling that he would have the acreage determined as well. Moved by Hertle, seconded by Wiley, to amend the farm lease agreement between Benton County and Gary Toyne to reflect 38.0 acres of tillable ground. All members voting aye thereon. Motion carried.

The board continued working on the 2015 budget. The county attorney advised that he needed budgeting authority in addition to what was currently submitted to include \$10,000 for forfeiture funds and \$35,000 for fine collection. The board spoke about the collections of jail fees and the requirement that sixty percent be used in accordance with a plan developed by the sheriff and the board. Supervisor Wiley questioned the procedure for budgeting to expend an unknown revenue amount. The board determined that the funds should not be budgeted for expenditure until FY16, which would allow for a year of collections. The sheriff and the board will then be able to budget appropriately based on each prior year's collections.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 18, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Jim Hemesath, Florence Township Trustee, and Roy Becker, Norway Fire Department, met with the board to request up to \$4600 in local option sales tax funds. The fire department is purchasing a vehicle at an estimated cost of \$46,000. Moved by Wiley, seconded by Hertle, to adopt Resolution #14-11, EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-11**

BE IT RESOLVED that the Benton County Board of Supervisors approves and authorizes the Chairperson to sign an Emergency Services Equipment Gift Agreement with Florence Township in the amount of \$4,600 for the purchase of equipment.

## **EMERGENCY SERVICES EQUIPMENT GIFT AGREEMENT**

In consideration of the mutual benefits to be derived from the performance of this agreement, it is hereby agreed by and between Benton County, acting through the Benton County Board of Supervisors ("County") and the Florence Township Trustees, a governmental subdivision, acting through its authorized officers ("Township"), as follows:

1. The County agrees to gift to the Township 10% of the price of the equipment, which is estimated at \$4,600.00.
2. The Township agrees that said amount shall be used to purchase the following described equipment and for no other purpose:  
  
A new truck for the Norway Fire Department.
3. The Township agrees to promptly submit to the County any relevant reports or information that the County may request relative to this agreement, including but not limited to, invoices reflecting the actual cost of the equipment, when available.
4. The County will release said funds upon the request of the Township. The request shall include either a signed purchase order or actual invoice for the equipment.
5. In the event that the funds received pursuant to this agreement exceed the 10% limitation stated in Paragraph 1, the Township will promptly refund the amount over 10% to the County.
6. The Township agrees that the equipment obtained with the proceeds of this gift shall be devoted principally to rural fire protection and/or life support operations, consistent with the intended use of the money from the Benton County Emergency Services Equipment Fund.

Adopted this 18th day of February 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, County Auditor

Moved by Wiley, seconded by Hertle, to approve the minutes of February 11, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set March 4, 2014, at 10:00 a.m., as the time and date for a public hearing on the Benton County FY15 budget. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to appoint the following persons to the Benton County Solid Waste Commission as the county's representatives: Terry Hertle, Stuart Towe, Tracy Seeman, Lindsey Olson, Diane Schmuecker, Jennifer Zahradnik, and Jerry Petermeier. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to re-adopt the policies regarding the destruction of records as follows:

1. The auditor is authorized to destroy records for closed meetings that are one year or older, pursuant to Iowa Code 21.5(4) or unless it is determined that the records are needed for future matter.
2. The auditor is authorized to destroy all voided checks following completion of the annual audit for the year in which they are voided
3. The auditor is authorized to destroy election records upon the auditor's determination that legal retention requirements have been met.

All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to table entering into the contract with IIW for engineering and architect fees to allow for additional time to incorporate final changes. All members voting aye thereon. Motion carried.

The board began reviewing the property schedules for insuring some of the county's facilities. The Heartland Insurance Risk Pool hired Gallagher Bassett to perform an appraisal and the county must determine whether to insure buildings for the new values. The board will continue reviewing the proposed values.

Wellmark Senior Account Manager Amanda Baker reviewed the county's health insurance program with the board and sought renewal of the plan. Baker explained the relationship between Wellmark, Benton County, and the Iowa State Association of Counties (ISAC). Benton County is a member of the ISAC Group health insurance pool. Baker reviewed financial information for the ISAC pool and the various benefits included to member counties. Baker reviewed the wellness program being offered as well as the effect of the Affordable Care Act on the ISAC pool and Benton County. Moved by Hertle, seconded by Wiley, to authorize the chair to sign the Renewal Group Binder Agreement and the Confirmation of MSP Addendum relative to renewing the county's health insurance with Wellmark through the ISAC Group. All members voting aye thereon. Motion carried.

The board discussed removal of the manholes on the waste line from the Cedar Valley Ranch facility (county home building) to the waste water lagoon. The county connected the facility to the City of Vinton's sewer system approximately eight years ago and no longer uses the lagoon or the lines leading to the lagoon. Discussion on the current status of the lagoons was also briefly discussed and any procedures needed due to their non-use. Moved by Wiley, seconded by Hertle, to direct the county engineer and county sanitarian to proceed with removal of the manholes that are located in the existing tillable property and to use their discretion as to the removal of the manholes located outside of the tillable area. All members voting aye thereon. Motion carried. The board did not take any action relative to the lagoons themselves.

Moved by Hertle, seconded by Wiley, to recess. All members voting aye thereon. Motion carried at 1:20 p.m.

The board reconvened at 6:00 p.m. at the Farm Bureau building located at 1105 W. 9<sup>th</sup> Street, Vinton, Iowa.

The board discussed the FY15 budget with Farm Bureau members. The board also discussed issues pertinent to those in attendance including but not limited to secondary roads, the Highway 218 and 30 J-Turn proposal, mental health regionalization, road use taxes, and the state of the county in general.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried at approximately 7:45 p.m.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

February 25, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of February 18, 2014, with the correction of the spelling of Diane Schmuecker. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set March 25, 2014, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Hidden Meadow Farms, LLC on a parcel located in the SE1/4 of the NE1/4 of 34-85-9. All members voting aye thereon. Motion carried.

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to designate Jill Marlow, Benton County Auditor, as the applicant's authorized representative and to adopt Resolution #14-12, LOCAL MATCH FOR THE HAZARD MITIGATION GRANT PROGRAM, relative to the grant application for the grant for the Multi-Jurisdictional Hazard Mitigation Plan update. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **LOCAL MATCH RESOLUTION #14-12 FOR THE HAZARD MITIGATION GRANT PROGRAM**

WHEREAS, Benton County, Iowa, (hereinafter called "the Subgrantee") has made application through the Iowa Homeland Security and Emergency Management Division (HSEMD) to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program, in the amount of \$41,176.05 for the total project cost, and

WHEREAS, the Subgrantee recognizes the fact that this grant is based on a cost share basis with the federal share not exceeding 75%, the state share not exceeding 10% and the local share being a minimum of 15% of the total project cost. The minimum 15% local share can be either cash or in-kind match.

NOW THEREFORE BE IT RESOLVED that the Subgrantee agrees to provide and make available up to \$6,176.40 (six thousand one hundred seventy-six dollars and forty cents) of local monies to be used to meet the minimum 15% match requirement for this mitigation grant application.

Passed and approved this 25<sup>th</sup> day of February 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

The Board discussed the frozen water line supplying the Governor Sherman building. The water line is either frozen or collapsed. The maintenance staff has had three different companies work on the line with the thought that it is frozen; however it is apparent that there is a solid blockage approximately 25 feet between the building and the water main. The board directed the maintenance staff to contact the city and proceed with digging up the line to repair it.

Chief Gary McKenna of the Vinton Fire Department and Trustee John Holst of Eden Township met with the board regarding the county's local option sales tax and the purchase of a fire truck. The county provides funding in the form of a gift or loan for emergency equipment from the local option sales tax fund. The requestor must have the endorsement of a township or benefited fire district. McKenna was requesting a loan for approximately \$200,000 to be used for the purchase of a new fire truck. McKenna explained that initially the City of Vinton was going to provide the funding, but he has now been informed that the money will not be available in FY15. McKenna added that he did not want to be greedy but if no one was using the dollars allocated for emergency services it would be better to use the money than to leave it in the bank. The auditor explained that the county had created a revolving loan fund, which is currently being built up by loaning the local option sales tax to the fire departments and then as they pay the loan back, with minimal interest, that money is being placed into the revolving fund. It is the intention that the revolving loan fund will eventually have enough money to be the sole source of the loans. The supervisors voiced their support of the purchase but Supervisor Hertle was concerned about the amount being requested. The county has already committed \$45,000 to the Vinton Fire Department to go towards the purchase of the truck under the gift portion of the program. Hertle believed that a \$55,000 loan would be more appropriate. Supervisor Wiley questioned the interest rate charged and if it was adjusted annually. The auditor stated that other loans were not adjusted annually. Wiley questioned if the county would be infringing on local lenders. Holst responded that he did not believe the lenders would be opposed to the arrangement since it was for the public good. Moved by Wiley, seconded by Frese, to loan \$100,000 from the local option sales and services tax to the Vinton Fire Department for the purchase of a fire truck per Resolution #13-11. Additionally, the interest is to be adjusted annually and the loan is to be repaid over a period of ten years. Voting aye were Frese and Wiley. Hertle voting nay. Motion carried. A formal loan agreement will be drafted and entered into at a later date.

Moved by Hertle, seconded by Wiley, to appoint Peggy Schott as a commissioner to the Benton County Historical Preservation Commission for a three-year term, ending December 31, 2017. All members voting aye thereon. Motion carried.

Robert Spangler, Chairman of the Benton County Historical Preservation Commission, presented the Certified Local Government annual report to the board for approval. The auditor advised that the report was not accurate relative to several of the supervisor's commission appointees and terms for 2014. Moved by Hertle, seconded by Wiley, to table approval of the Certified Local Government annual report pending corrections. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 208926 through 209080, payroll numbered 137353 through 137373, and ACH deposits numbered 19792 through 19913, for payment. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to approve the request for a utility permit submitted by the East Central Iowa REC to place utility lines in the county's right-of-way throughout the county for all of the Benton County FEMA projects awarded to the REC. All members voting aye thereon. Motion carried.

Engineer Parizek reported that he had received the speed study results for the Iowa Department of Transportation for 32<sup>nd</sup> Avenue near Atkins. The study found that a speed limit of 50 miles per hour would be appropriate. Parizek advised that if the board wished to pursue changing the speed limit that he would prepare the appropriate resolution for the board's consideration. The board requested that Parizek move forward with changing the speed limit.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-13, SERVICE AREA BUDGET AMENDMENT. Voting aye was Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-13 SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2014 budget on March 12, 2013; and

**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2014 county budget is hereby amended within the following service areas:

Service Area 3 – \$5000 moved from department 19 (Relief) to department 60 (Mental Health)  
Service Area 6 - \$14,805. from department 99 (CDBG) to department 10 (Land Use)

**IT IS FURTHER RESOLVED** that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 25th day of February 2014.

\_\_\_\_\_  
Donald H. Frese

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Terry Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

The auditor advised that a revised agreement for engineering and architectural services was received from IIW for the courthouse window replacement project. The county attorney advised that the changes had been incorporated. Moved by Wiley, seconded by Hertle, to enter into an agreement with IIW for engineering and architect services for the courthouse window replacement project at a cost of \$49,500. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

March 4, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of February 25, 2014. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley to adopt Resolution #14-14, IOWA'S ROAD USE TAX FUND. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-14**

### **IOWA'S ROAD USE TAX FUND**

WHEREAS, the Iowa Association of County Supervisors recognizes that a high quality transportation system serves as the artery for economic activity and that the condition of the infrastructure in the State of Iowa is a key element for our future economic growth; and

WHEREAS, an integral part of the State of Iowa's Road Use Tax Fund (RUTF) is the fuel tax, which has not been significantly increased since 1989, while maintenance and construction costs have more than doubles during that same timeframe; and

WHEREAS, there have been several state-wide studies completed over the past 10 years identifying the requirement to significantly increase the amount of funding for the administration, maintenance and improvements to our state-wide public roadway system, including the 2006 Road Use Tax Fund (RUTF) study called for by Governor Culver, the 2011 Road Use Tax Fund (RUTF) study completed per 2011 Iowa Code Section 307.31 and the 2011 Governor's Transportation 2020 Citizen Advisory Commission (CAC) created by Governor Branstad; and

WHEREAS, the 2008 TIME-21 study documented the fact that under today's funding structure and highway usage, over 20% of the travel done in Iowa is by out-of-state drivers while only 13% of the state's road use revenues come from out of state drivers; and

WHEREAS, the funding provided by the implementation of the TIME-21 Fund in 2009 is inadequate to meet the critical maintenance and improvements needs for the State of Iowa's transportation system; and

WHEREAS, 95% of Road Use Tax Fund revenues are required by the Iowa Constitution to be spent only on our roadways; and

WHEREAS, due to the severe shortage in state funding to meet the critical needs of our roadway system, several Iowa counties have had to resort to issuing almost \$150 million in bonds to pay for their most critical maintenance needs, which will have to be paid off through property taxes; and

WHEREAS, the 2011 Governor's Transportation 2020 Citizen Advisory Council report to Governor Branstad and the Iowa Legislature identified the need for \$215 million per year of increased funding over the next 20 years, in addition to the funding being provided by the TIME-21 revenues, just to meet the most critical needs of our transportation infrastructure; and

WHEREAS, the Iowa Roads Association, the Iowa County Engineer's Association, and numerous business related associations throughout Iowa have publically supported the call for increased RUTF funding;

NOW THEREFORE BE IT RESOLVED that the Iowa State Association of County Supervisors and the Benton County Board of Supervisors strongly encourages the implementation of the 2011 Citizen's Advisory Council's recommendations to:

1. Increase the state fuel tax rates across the board by ten cents, over a period of no less than three years, resulting in an estimated \$184 million to \$230 million of additional annual revenue.
2. Increase the "Fee for New Registration" from five percent to six percent, raising this fee to a level consistent with the state sales tax, resulting in an estimated \$50 million of additional annual revenue.
3. Allocate new funding to go to the TIME-21 Fund up to the cap (\$225 million) and the remaining new funding should be distributed consistent with the Road Use Tax Fund distribution formula.

And, BE IT ALSO RESOLVED that the Iowa State Association of County Supervisors and the Benton County Board of Supervisors support the ongoing evaluation of creative, supplemental solutions to increased RUTF funding.

Signed this 4<sup>th</sup> day of March, 2014

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Gina Edler, Deputy County Auditor

Moved by Hertle, seconded by Wiley, to accept the resignation of April McIntire from Sheriff's Office, effective March 7, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the application for Disabled Veteran's Homestead Tax Credit on parcel #240-76775. All members voting aye thereon. Motion carried.

David Condry with ASAC met with the board to recognize the Fair Board for their help to keep the Benton County Fair safe and more family friendly. Condry presented Dick Meyer member of the Fair Board with a certificate. Condry explained that there are national assessments on community events to protect from underage and binge drinking. The Benton County Fair Board made changes from the assessments made to make the Benton County Fair safer. Meyer thanked Condry on behalf of the Benton County Fair Board.

Robert Spangler, Chairman of the Benton County Historical Preservation Commission, presented the Certified Local Government annual report to the board for approval. Supervisor Wiley stated that the report still had some errors and needed to be corrected before the Board approved it. No action was taken, item placed on next week's agenda.

Moved by Hertle, seconded by Wiley, to appoint Jim Shutts to the Benton County Historical Preservation Commission for a three-year term. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley to adopt Resolution #14-15. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-15**

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.255 and 321.285 subsection 4 of the Code of Iowa to determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS: Such investigation has been completed by the Iowa Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that a speed limit be established and appropriate signs erected at the location described as follows:

Secondary road W26 (32<sup>nd</sup> Avenue) from E44 (71<sup>st</sup> Street), south 2 miles to US Hwy 30 (73<sup>rd</sup> Street), 50 MPH.

Resolution adopted this 4<sup>th</sup> day of March, 2014.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
Gina Edler, Deputy County Auditor

The Engineer, Myron Parizek, presented bids that were received for the purchase of a new pickup cab/chassis for Secondary Roads (replacement weed truck due to fire). Bids were received as follows:

Thys Motor Company-2014 Dodge Ram 4500-\$34,128.00

Junge Center Point-2015 Ford F450-\$34,483.00

Junge Center Point-2014 Dodge Ram 4500-\$35,194.00

Supervisor Wiley questioned where they were at with the insurance from the fire damage. Parizek stated they are having a meeting with the insurance company on Thursday, March 6. It will take ten to twelve weeks for the pickup to be delivered. Supervisor Frese stated that twelve weeks will go by fast and the county needs the vehicle and questioned why the matter should be postponed. Moved by Hertle, seconded by Wiley to table the purchase of a new pickup cab/chassis pending the outcome of the meeting with the insurance company. All members voting aye thereon. Motion carried.

The Engineer reported that the balance in the Benton County State Bank for the landfill account on February 28, 2014, was \$56,113.19.

This being the date for a public hearing on the county's FY15 budget, the board took up the matter for consideration. There were three members of the public present and one member of the media.

The board considered the recommendations of the compensation board for the elected officials' salaries for FY15. The compensation board recommended a 2% across-the-board increase for all elected officials with the exception of the board of supervisors. The recommendation for supervisors was a 0% increase.

Moved by Hertle, seconded by Wiley, to approve the recommendations of the Benton County Compensation Board and grant a 2% salary increase in FY15 for the auditor, treasurer, recorder, sheriff, and county attorney. There is no increase for the supervisors. Discussion: There was no discussion. Voting aye were, Frese, Wiley and Hertle. Nays none. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Hearing no further comment either for or against the proposed FY15 county budget, the chair declared the hearing closed.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-16, ADOPTION OF THE FY15 COUNTY BUDGET.  
Discussion: County Attorney, Dave Thompson, asked the board if his budget was the same as the week before. Hertle stated he was not aware of any changes. Wiley responded "Whatever you saw last was what it is." Voting aye were, Frese, Wiley and Hertle. Nays none. Motion carried.

## **RESOLUTION #14-16 ADOPTION OF THE FY15 COUNTY BUDGET**

**BE IT REMEMBERED** that on this, the 4th day of March 2014, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of holding a public hearing on the proposed budget for fiscal year 2014-15 as filed with the Board. There was present a quorum as required by law. The notice and place of hearing had, according to law and as directed by the Board, been published in the Star Press Union, Cedar Valley Times, and Vinton Eagle, the official newspapers published in Benton County.

The budget was then taken up and considered. The public was provided an opportunity to speak.

The County Compensation Board recommendation for FY15 salaries for elected officials was approved as follows:

County Auditor - \$67,991.81  
County Treasurer - \$63,670.15  
County Recorder - \$63,670.15  
County Attorney - \$92,460.77  
County Sheriff - \$77,511.49  
County Supervisor - \$37,857.00

**BE IT FURTHER RESOLVED** that a committed fund balance designation of the ending fiscal year fund balance be established for the following purposes:

General Basic - \$28,000 – Vehicle Replacement, historic preservation, courthouse maintenance  
General Supplemental - \$50,000.00 – Emergency Response and \$50,000 election equipment replacement  
Rural Services - \$3,000 Vehicle Replacement  
Other - Closure/Post Closure \$2,026,357; EMS \$106,798; LOSST \$50,000

**FURTHER** the commitment of fund balances indicates that Benton County prefers to use available financial resources for the specific purposes set forth above, and although committed, the funds are to remain an integral part of the spendable or appropriate resources of Benton County.

The budget as adopted will approve the following property taxes for fiscal year 2014-15 (without gas and electric):

General Basic	\$4,430,511
General Supplemental	\$1,143,933
Mental Health Services	\$ 884,127
Rural Services Basic	\$2,347,130
Debt Service	\$ 0.00

**IT IS THEREFORE RESOLVED**, by the Benton County Board of Supervisors that the FY15 budget is hereby adopted.

Dated this 4<sup>th</sup> day of March 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Auditor

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Auditor

March 11, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Hertle present. Supervisor Wiley was absent. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of March 4, 2014. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Frese, to approve the Decategorization claim submitted by Tammy Wetjen-Kestersen for services provided in February 2014. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 209087 through 209286, payroll checks numbered 137416 through 137464, and ACH deposits numbered 20040 through 20163, for payment. Supervisor Hertle wanted it noted he is not happy about the Howard R. Green claim. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve fireworks permits requested by Charles Yedlik for an event to be held on April 5, May 24, 25 & November 1, 2014 at 5899-1/2 28<sup>th</sup> Avenue Dr., Vinton, Iowa. Both members voting aye thereon. Motion carried.

Kelly Geater, County Treasurer, met with the Board to discuss the Tyler Financial program. Geater stated in April of 2012 the County got the new Tyler Financial program, ever since it has been war. They correct one problem and break something else. Every month end she has to call into Tyler Financial to fix something in order to complete her month end. In order for her to complete her semi-annual report she had to go back to the old way of doing things, which she spent doing after hours. Geater stated there are good things about the program. She wanted the Board aware of the issues she was having with the program so if it came up to renewing the contract the Board would know of the issues before hand.

Robert Spangler, Chairman of the Benton County Historical Preservation Commission, presented the Certified Local Government annual report to the board for approval. Spangler stated he contacted the State and they stated the County appoints for the members of the Commission. Spangler asked Bob LaGrange if he would be interested in being on the Commission and LaGrange agreed. Supervisor Hertle stated that the report needs to get approved even if it's wrong, if it's wrong they will amend it. Moved by Hertle, seconded by Frese to approve the Historical Preservation Commission annual report. Both members voting aye thereon. Motion carried.

Six members of the 2014 Grand Jury met with the board to discuss various issues. Supervisor Hertle explained briefly that all of the supervisors sit on various local and regional boards pertaining to county business, which requires more time than the three or four hours spent in the courthouse. Supervisor Hertle added that the supervisors are the judicial, executive, and legislative branches of the county. Grand Jury asked the Board if they felt safe in the courthouse, Frese stated yes, Hertle responded that the Board has put in the budget to try to get a full time security person in the courthouse. Have a first line of defense in case something would happen. Hertle stated he is against a metal detector. Fire and tornado drills for the courthouse were also discussed.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Mediacom to place utility lines in the county's right-of-way in Fremont Township, on 30<sup>th</sup> Ave North of Hwy 30, between Hwy 30 and 72<sup>nd</sup> Street. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Mediacom to place utility lines in the county's right-of-way in Florence Township, outside of Walford North of Hwy 151 on 33<sup>rd</sup> Ave between Hwy 151 and 78<sup>th</sup> Street and on 78<sup>th</sup> Street between 33<sup>rd</sup> Ave and Benton-Linn Rd. Both members voting aye thereon. Motion carried.

The Engineer, Myron Parizek, presented bids that were received for the purchase of a new pickup cab/chassis for Secondary Roads (replacement weed truck due to fire). Bids were received as follows:

Thys Motor Company-2014 Dodge Ram 4500-\$34,128.00

Junge Center Point-2015 Ford F450-\$34,483.00

Junge Center Point-2014 Dodge Ram 4500-\$35,194.00

Parizek reported on the meeting he had with the Insurance Company. The insurance company stated the premium allowed marginal clause up to additional 25% of actual cash value. The weed truck was initially bought for \$28,198, insurance company had it listed worth \$23,743 add the additional 25% would make it \$29,678 that the insurance company would pay for a replacement truck. The bid is on the cab/chassis only because of the specifications needed for the utility box. Parizek estimates that the utility box will cost around \$10,000. He is contacting salesmen for bids on the utility box; it should have a shorter turnaround time.

Moved by Hertle, seconded by Frese, to authorize the engineer to purchase a 2014 Dodge Ram 4500 from Thys Motor Company at a price not to exceed \$34,128.00. Both members voting aye thereon. Motion carried.

County Attorney, David Thompson updated the board on the status of repairing the courthouse clock. Thompson stated his is in the process of applying for 2 grants. First grant's deadline is March 15; the second grant's deadline is April 25<sup>th</sup>. Thompson is looking for the Board to sign letters of support for the grants applications. Thompson will be drafting up the letters of support this week for the Board to sign.

Moved by Hertle, seconded by Frese to authorize the Vice-Chairman to sign letters of support for grant applications for the Benton County courthouse clock. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

Gina Edler, Deputy Auditor

March 18, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Hertle and Wiley present. Supervisor Frese was absent. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of March 11, 2014. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the vacation carry-over requested by Jacqueline Michael of 18 ¼ hours to be used no later than June 1, 2014. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Bob LaGrange to the Benton County Historical Preservation Commission as an alternate, for a three-year term. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the use of the courthouse lawn on June 26, 2014, by the Vinton Parks and Recreations for Kids Night Community Celebration. Both members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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George Axmear a commercial manure pumper for Cedar Valley Farms spoke with the board about pumping manure under roads North and East of Blairstown. Axmear stated he uses an umbilical pumping system which means he pumps manure using hoses through culverts under roads. Axmear is asking the board for permission to put tubes under the road of E66 North east of Blairstown in Section 25. He would like the tubes to be smooth on the inside, so his hose won't get hung up on anything and the tube to be 1 foot inside in diameter. Ben Vierling, Benton County Assistant Engineer questioned where the access points for the tubes would be located. Axmear stated they would have ditch level access, and he would like to have plugs in the tubes so no animals/rodents can get in them. He would not leave his hose in them, ultimately when you drive by you could not see it from the road. Axmear would like to have another location if possible on road V66. Vierling stated he would like to see the tube labeled as a utility so it can be identified if they would need to redo the road and could be identified for One-Call. Vierling also stated he would think Axmear could get a Right-of-Way permit which does not cost anything. He questioned who was liable if the plugs silted over in the ditch. Axmear stated the plugs won't get silted over; it's high enough ground that it won't happen. Supervisor Wiley stated that the Engineer's office needs to look into this to make sure there is no issues with DNR or anyone else and get back to the board. Vierling will look into further liability and possible issues with DNR. No action was taken by the board.

Moved by Wiley, seconded by Hertle, to approve the vacation carry-over requested by Penny Applegarth of 35 hours to be used no later than June 30, 2014. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve utility permits requested by Alliant Energy to place utility lines in the county's right-of-way in Cedar and Harrison Townships. Both members voting aye thereon. Motion carried.

Supervisor Hertle updated the board on the Highway 30 project. Hertle stated he and Tim Kapucian, Iowa State Senator, discussed other options last week after the Highway 30 coalition meeting. Hertle asked Wiley to call Kapucian to get further details describing the new plans Kapucian and Hertle have come up with, as he can't fill him in with details at this time. Hertle stated the DOT plans for the near future he does not like. Wiley questioned if this was result to the opposition to the J-turn. Hertle responded yes.

Moved by Wiley, seconded by Hertle, to approve and authorize the vice-chair to sign the Certification of Cost Allocation Plan for FY13 prepared by Cost Advisory Services, Inc. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into the Agreement to Provide Professional Consulting Services with Cost Advisory Services, Inc. for preparation of cost allocations plans for FY14, FY15, and FY16. Both members voting aye thereon. Motion carried.

No action was taken on change of employee status in Sheriff's Office due to no documentation provided.

Moved by Wiley, seconded by Hertle, to adjourn. Both members voting aye thereon. Motion carried.

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Terry Hertle, Vice- Chairman

ATTEST:

Gina Edler, Deputy Auditor

March 25, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of March 18, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 209287 through 209443, payroll checks numbered 137465 through 137478, and ACH deposits numbered 20164 through 20287, for payment. All members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Hidden Meadow Farm, LLC. Marc Greenlee presented the technical review. The change in use is for approximately 10.5 acres located in the SE1/4 of the NE1/4 of 34-85-9. The purpose of the change in use is for a residential subdivision containing 3 residential lots. Greenlee reported that the corn suitability ration averages 51, the drive is pre-existing, and the county's subdivision ordinance allows for individual septic systems and wells on lots containing two or more acres, which the proposed subdivision has a minimum of two acres per buildable lot. Greenlee reported that the developer has complied with all requirements for a preliminary plat. The subdivision is the second addition and lies immediately adjacent to Hidden Meadow First Addition. Supervisor Wiley questioned if there were restrictive covenants. Greenlee advised that restrictive covenants would be presented to the board when the final plat was submitted for approval. Steve Speidel added that the first addition has restrictive covenants, which includes in part that there are no pre-fabricated homes, no trailers, a minimum square footage home, and each home must have a minimum amount of brick or stone front. Hearing no further comment, it was moved by Hertle, seconded by Wiley, to approve a land use change on approximately 10.5 acres located in the SE1/4 of the NE1/4 of 34-85-9 for a residential subdivision. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the Preliminary Plat for Hidden Meadow Second Addition, Benton County, Iowa, a residential subdivision containing three lots and one common area (Lot B). All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a Class C liquor license for Tara Hills Country Club. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into an agreement with Mail Services to print and mail the property tax statements for the 2013 assessment year for collection in 2014/2015. All members voting aye thereon. Motion carried.

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adopt Resolution #14-17, PROCLAIMING APRIL AS SEXUAL ASSAULT AWARENESS MONTH. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-17 Sexual Assault Awareness Month Proclamation**

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every community member of Benton County; and  
Whereas, Rape, sexual assault, and sexual harassment impact our community, and statistics show one in five women and one in 71 men will be raped at some point in their lives (Black et al., 2011).; and  
Whereas, Child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience a sexual assault before the age 18 (Dube et al., 2005).; and  
Whereas, Young people experience heightened rates of sexual violence, and youth ages 12-17 were 2.5 times as likely to be victims of rape or sexual assault (Snyder & Sickmund, 2006).; and  
Whereas, We must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and  
Whereas, With leadership and dedication, we can be successful in preventing sexual violence in Benton County by increasing education, awareness, and community involvement; and  
Whereas, Benton County strongly supports the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual violence. It's time for all of us to take appropriate action and support one another to create a safer environment for all.  
NOW THEREFORE BE IT RESOLVED,  
That the Benton County Board of Supervisors joins advocates and communities across the country in playing an active role to prevent sexual violence. Along with the United States Government and State of Iowa, and do hereby proclaim April as "Sexual Assault Awareness Month!"  
Signed this 25<sup>th</sup> day of March 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the hire of Kayla Bergom as a part-time communication specialist in the sheriff's department, effective this date. The starting wage is set at \$12.41 per hour. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the hire of Kelly Roy as a part-time communication specialist, effective this date, at a wage of \$13.41 per hour. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the change in classification of Craig Streeter from part-time correctional officer to full-time correctional officer, effective this date. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the change in classification of Steven Fischer from a full-time to a part-time correctional officer, effective April 1, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the resignation of Matthew Stombaugh, a correctional officer of the sheriff's department, effective April 10, 2014. All members voting aye thereon. Motion carried.

Sheriff Forsyth questioned if the board would consider revising the county's current nepotism policy. Forsyth stated that the policy is more stringent than state law and has been problematic for his department occasionally when hiring part-time dispatchers and correctional officers. Forsyth gave an example where a mother and daughter both wanted to work part-time as communication specialist but could not even though neither would have authority over the other. Supervisor Hertle stated he was not interested in changing current policy. Supervisor Wiley advised that he was open to the idea provided relatives had no supervisory authority over each other. Wiley stated that he did not want to limit the field of qualified candidates due to the county's nepotism policy. Supervisor Frese stated that there are advantages and disadvantages with changing the policy and he was not opposed to looking at the issue.

Moved by Wiley, seconded by Hertle, to enter into a Service Agreement with Howard E. Nyhart Company, Inc. for an interim GASB 45 actuarial update, at a cost of \$1,600.00. All members voting aye thereon. Motion carried.

No action was taken entering into an agreement with EideBailly, LLP for auditing services. EideBailly is to meet with the board at a future meeting to explain the services provided during the annual audit.

Moved by Wiley, seconded by Hertle, to approve 2.5 hours of vacation carry-over requested by Nancy Jorgenson. Said carry-over is to be used no later than June 30, 2014. All members voting aye thereon. Motion carried.

Michael Ruden and Mark Fassbinder of IIW met with the board to discuss the courthouse window replacement project. The type of windows to be installed was discussed with wood and aluminum being considered, as well as the anticipated functionality of the windows. The board advised that a double hung aluminum window should be the type of windows installed. The color is to be determined at a later date. The board also discussed the type of doors to be installed at the north and south entrances. It was determined that it be designed with two doors at each entrance with a removable center bar. Discussion also

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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included contractual issues, including but not limited to, liquidated damages, staging areas, courthouse access and associated conflicts (i.e. elections) and performance bond. IIW will return with plans and specifications for the board's approval at a later date.

The board recessed at approximately 12:35 p.m.

Chairman Frese reconvened the meeting at 1:10 p.m.

Moved by Wiley, seconded by Hertle, to authorize the engineer to advertise for three seasonal truck drivers for 2014. All members voting aye thereon. Motion carried.

Al Schafbuch met with the board to discuss the Highway 218 and Highway 30 J-turn proposal. Ron Buch was also present. Schafbuch stated he is meeting on his own behalf and is not representing anyone else. He stated that he spoke with Tim Kapucian, Iowa State Senator, last week and he was made aware of the clash the Board was having with the DOT. The project is on the DOT's 5-year plan, and he is worried if they don't get the issues resolved that the funding will go elsewhere. The DOT wants some of the Board to look at a J-turn in Minnesota. Supervisors Hertle stated that he personally went to Minnesota and looked at a J-turn. He stated it's a joke, he spoke with 6 local people regarding the J-turn and no one had anything good to say about it. Schafbuch said he does not like the J-turn either, but he doesn't want to lose funding, and he asked the Board to keep an open mind – they may be trapped. Supervisor Wiley stated he opposed the J-turn but he would tolerate the half clover leaf proposal. Schafbuch stated the half clover leaf proposal is a great compromise. Hertle stated he likes the half clover but wants a frontage road so it doesn't cut into Wheeler's land. Hertle didn't want anyone to know we had a March 28<sup>th</sup> deadline.

The following departments requested that the board amend their FY14 budgets:

Public Health/Land Use – requested \$14,805 – to cover one-half the cost of the vehicle purchased

Conservation – requested \$160,793 – to pay for disaster related expenses from the June 2011 flood event. The board advised that they would amend the budget; however the funds would only be appropriated as needed.

Social Services - \$25,000 – to pay for mandated client treatment services

County Attorney - \$6,500 – for office remodeling expenses and should be offset by the amount of fine collection money

Engineer - \$250,000 – to cover increased costs for snow removal, service and repair, fuel, and vehicle parts

Moved by Wiley, seconded by Hertle, to adopt Resolution \$14-18, TRANSFER OF FUNDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-18 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$85,000 from the Sanitary Disposal fund to the Closure Post-Closure Fund.

Dated this 25<sup>th</sup> day of March 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Gina Edler, Deputy Benton County Auditor

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

April 1, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of March 25, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to provide a letter of support for the East Central Iowa Council of Governments' grant application for funding to develop and implement an economic risk assessment and disaster resilience plan. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to provide up to \$1,500 funding to the Benton County Historical Preservation Commission for administrative expenses and for the purposes of soliciting donations towards the courthouse clock restoration. Said funds are to come from the local option sales and services fund. All members voting aye thereon. Motion carried.

George Axmear returned to the board to request permission to place tubes under the county roadway. Axmear previously met with the board on March 18, 2014. Moved by Wiley, seconded by Hertle, to allow George Axmear to place tubing under E66 North east of Blainstown in Section 25 for the purposes of running hoses to transfer liquid manure. Axmear is responsible for any maintenance on the tubing and any spillage, if any. The tubing is not to be pressurized and is to be kept sealed on each end when not in use. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Richard Kruckenberg to place utility lines in the county's right-of-way in Cedar Township Section 27/34 under 55<sup>th</sup> Street. The line is a natural gas line to Kruckenberg's drying operation. The location of the utility line is to be clearly signed. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to set the 2014 dust control rates at \$1,250 for two four hundred foot applications of MC-70. Each additional foot is set at \$2.35 per foot for two applications. The deadline to sign-up is set at May 2, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the engineer to hire a part-time employee at the sanitary disposal facility for litter control. All members voting aye thereon. The hourly wage rate is to be determined.

The engineer reported that the balance at the Blairstown bank for the landfill account on March 31, 2014, was \$60,145.43. David Cahill and Brian Unsen representing EideBailly, LLP presented the FY13 audit report. The report was reviewed in brief with a general understanding of the document being presented. The board discussed renewing the contract with EideBailly, LLP for annual audit services. Moved by Wiley, seconded by Hertle, to enter into a 3-year contract with EideBailly, LLP for annual audit services for the fiscal years 2014, 2015, and 2016. The contract also provides for a two-year extension. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to accept the resignation of Melissa Bergom, part-time communication specialist, effective March 29, 2014. All members voting aye thereon. Motion carried. The resignation is due to the county's nepotism policy and the recent hire of Bergom's daughter.

Moved by Wiley, seconded by, to change the classification of Nigel Yarbrough from part-time correctional officer to full-time correctional officer, effective this date. All members voting aye thereon. Motion carried.

The board spoke with the county engineer about the need to improve the intersection of Hwy 30 and 32<sup>nd</sup> Avenue, specifically for westbound Highway 30 traffic turning north onto 32<sup>nd</sup> Avenue. Supervisor Hertle stated that in speaking with the Department of Transportation, he became aware of funding that may be available where the state will reimburse the county up to 55% of the project cost. The engineer advised that the program was C-Step funding, which are funds available to counties.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-19, APPROVAL AND DISAPPROVAL OF BUSINESS PROPERTY TAX CREDITS FOR THE 2013 ASSESSMENT. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-19**

### **APPROVAL AND DISAPPROVAL OF BUSINESS PROPERTY TAX CREDITS FOR THE 2013 ASSESSMENT**

WHEREAS, Iowa enacted SF295 establishing a business property tax credit; and

WHEREAS, the legislation requires for property owners to apply for the credit; and

WHEREAS, the board of supervisors is required to allow or disallow the credit based on the requirements of the legislation; and

WHEREAS, the sign-up period has past and the assessor has provided a list of those applying for said credit; and

WHEREAS, the assessor has recommended allowance or disallowance based on the classification and/or use of the property,

NOW THEREFORE BE IT RESOLVED that the following applications for the Business Property Tax Credit on the 2013 assessment are hereby disallowed based on the classification and/or use:

330-06620	240-09460	690-18300	310-02500	240-08050	170-12000
690-09500	770-28540	870-07150	310-02850	240-42100	030-41550
690-09600	770-28580	250-02900	310-03650	510-06000	030-41625
870-38800	390-08860	310-02330	310-10210	240-93775	260-02200
870-38700	691-29020	310-02380	740-05200	240-70800	030-01451
260-11200	190-31460	050-19760	240-11900	240-32650	240-24900

IT IS FURTHER RESOLVED that the remainder of the applications for the 2013 assessment year Business Property Tax Credit filed with the assessor on or before January 15, 2014 are allowed.

Signed this 1<sup>st</sup> day of April 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to set April 22, 2014, at 9:30 a.m., as the time and date for a public hearing on amending the county's FY14 budget. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to approve the auditor's quarterly report for the period ending March 31, 2014. All members voting aye thereon. Motion carried.

The board discussed the highway 218 and 30 interchange. The Iowa Department of Transportation (IDOT) in response to the opposition to the J-Turn design has proposed a US 218 two quadrant cloverleaf with U.S. 30 under U.S. 218. Supervisor Hertle reported that IDOT Director Trombino has informed Hertle that an at-grade intersection is not an option (the supervisors endorsed an improved at-grade intersection). Hertle stated that the board was never in opposition to the overpass design, but simply in opposition to the J-turn. Hertle stated that he spoke with IDOT staff in Cedar Rapids informing them that the county did not want to lose the 4-lane and would support the US 218 two quadrant cloverleaf with U.S. 30 under U.S. 218 design. Hertle stated there was a problem with the frontage road at Wheeler's property, but that was the responsibility of the landowner and the IDOT. Marlyn Jorgenson, chairman of the Benton Development Group (BDG), stated that BDG was opposed to the J-turn; however an analysis on interchange designs should be performed to insure the most minimal amount of land is used. Jorgenson stated that Benton County cannot afford to lose the four-lane through the county. Supervisor Wiley stated that the IDOT is not interested in a design proposal from the supervisors, but rather a unified voice supporting an IDOT design. Wiley voiced concern that if the board attends the commissioners' meeting and that the county as a whole does not support the US 218 two quadrant cloverleaf with U.S. 30 under U.S. 218, then there is a risk of losing the entire project through Benton County. Wiley reiterated that all organizations had to be in agreement, including BDG, Farm Bureau, school districts, and the county. Hertle agreed that two-quadrant cloverleaf design should be supported by the board to eliminate any risk of losing the project. Jorgenson questioned if a diamond design had been considered. Hertle responded that it had but was not feasible due to the cemetery and Youngville Café. The board agreed that a resolution should be drafted for consideration at their next meeting supporting the US 218 two quadrant cloverleaf with U.S. 30 under U.S. 218 design.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

April 3, 2014

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 4:30 p.m.

The board met for the purposes of designating a spokesperson/representative of the board of supervisors for the April 8, 2014, Iowa Department of Transportation (IDOT) commission meeting. The entire board will attend the meeting; however, only one person will be allowed to address the commission. Supervisor Frese stated that the board wants to present a united position and needed to appoint a spokesperson who could best present the board's position objectively. Supervisor Wiley reported that he had received several phone calls from Edith of the Highway 30 Coalition and IDOT Commissioner Rose voicing concerns that the board should have a spokesperson who is not too emotionally involved in the issue. Wiley stated both persons are interested in seeing the Highway 30 4-lane project go through Benton County. County Attorney Thompson questioned Wiley as to who the un-named person were – adding that neither the IDOT nor anyone else should be dictating who the county should have speak and what they should say. Wiley again responded with Edith Pfeiffer of the Highway 30 Coalition on IDOT Commissioner Rose had contacted him. Wiley went on to report that both Pfeiffer and Rose believe the project could be threatened as a number of IDOT commissioners are considering pulling the funding and taking it to other projects. Wiley cautioned that the board of supervisors should shy away from stating what they don't want. Hertle stated that he had good working relationship with Commissioner Rose but his relationship with Pfeiffer was strained. Mike Wheeler was present and stated that the IDOT is not interested in what the public wants.

Supervisor Frese asked Supervisor Wiley would be interested in being the spokesperson; however Supervisor Hertle opined that the spokesperson should be the chair of the board. Wiley agreed that the chairperson would be the appropriate spokesperson but suggested that the presentation be scripted so that it stays focused and on point. Wiley also suggested that the spokesperson introduce those persons in attendance and that the supervisors converse with the commissioners during the break in the meeting. Supervisor Wiley stated that he had no aspiration to be the speaker but just wanted to insure that the four-lane went through Benton County. Wiley continued that the four-lane is needed for economic development, construction jobs, and safe intersections. Wiley added that the IDOT believes the four-lane to be a simple project but have reached a level of frustration.

Wheeler was opposed to Wiley's comments stating that the IDOT is not willing to make changes. Wheeler stated that the IDOT is unwilling to look at alternatives for a frontage road for his property. Wheeler stated that if the IDOT was concerned about the deaths on the 2-lane westbound side – then they should address that and leave the rest alone. Attorney Thompson stated that the board should still state their opposition to the J-turn during the presentation. Wiley responded that he agreed with Thompson but added that should not be the focus of the presentation.

Moved by Hertle, seconded by Wiley, to designate Chairman Don Frese as the representative/spokesperson for the Benton County Board of Supervisors concerning the board's support for the U.S. 218 two quadrant cloverleaf with U.S. 30 under U.S. 218. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor



# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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April 7, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 2:00 p.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of April 1, 2014 and April 3, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the recorder's quarterly report for the period ending March 31, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the sheriff's quarterly report for the period ending March 31, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim submitted by Tammy Wetjen-Kestersen for Decategorization services for the month of March 2014, in the amount of \$2,716.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 209444 through 209666, payroll checks numbered 137479 through 137497, and ACH deposits numbered 20288 through 20413, for payment. All members voting aye thereon. Motion carried. Supervisor Hertle spoke about the cost of transporting juveniles and the possibility of utilizing the Central Iowa Juvenile Detention Center for some of those services.

IIV Project Manager Mark Fassbinder met with the board to continue discussions on the courthouse window replacement project. The board directed Fassbinder to bid the project with anodized dark bronze aluminum windows with an alternate bid for a type of window. The board also set a refundable fee for drawings at \$100.00.

Transportation Director Dana Burmeister reported on the RouteMatch conference she attended in Atlanta, Georgia.

Moved by Hertle, seconded by Wiley, to authorize the transportation director to advertise for the hire of part-time drivers. All members voting aye thereon. Motion carried.

Transportation Director Burmeister also spoke to the board about installing radios in the transportation vans and buses. Burmeister reported that federal rules prohibit the use of cell phones, which is what her department currently uses. Burmeister is going to continue to research the issue.

Leon Tellinghuisen representing Cedar Valley Farms requested that the county upgrade the dirt road located in section 25 of Leroy Township. Tellinghuisen told the board that much of his operation uses an unimproved county road and when it rains the road is impassable. Tellinghuisen stated that in the past he was able to use an alternate route during those wet times; however Fiberright will no longer allow him to travel across their property. Tellinghuisen asked that the county consider upgrading the current road. The supervisors directed the county engineer to review the matter and return to the board with a recommendation.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-20, HIRE OF JOSH BURKHART AS MECHANIC. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-20**

WHEREAS: Benton County Secondary Road Department has a position to fill for a Mechanic in Shop and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Joshua Burkhardt be hired to fill the position of Mechanic at a starting wage of \$17.00 per hour starting April 14, 2014. This is an Equipment Operator III classification with a Labor Grade VA.

Signed this 7<sup>th</sup> day of April 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adopt Resolution #14-20 ROAD CLOSURE FOR BRIDGE CONSTRUCTION. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-21**

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from April 14, 2014, through the completion of the project.

From the NW corner of the SW¼ of the NW¼ of Section 27-T85N-R11W thence south 0.25 mile to the SW corner of the SW¼ of the NW¼ of Section 27-T85N-R11W along 19<sup>th</sup> Avenue between 60<sup>th</sup> Street Drive & 60<sup>th</sup> Street Drive in Jackson Township.

Signed this 7<sup>th</sup> day of April 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to enter into a purchase agreement for temporary and permanent easements relative to a bridge project located in Section 27 and 28 of Jackson Township as follows:

Mark & Karen Bunge – .87 acres of temporary easement at \$522.00 located in the NE1/4 of 28-85-11

.40 acres of permanent easement at \$2,400.00 Located in the NE1/4 of 28-85-11

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into a purchase agreement for a temporary easement relative to a bridge project located in sections 27 and 28 of Jackson Township as follows:

Wayne & Merle Welte - .08 acres of temporary easement at \$49.19

All members voting aye thereon. Motion carried.

The board continued discussions on the proposed interchange at Highway 218 and Highway 30. The board will be meeting with the Iowa Department of Transportation commissioners on April 8<sup>th</sup>, 2014, and discussed the subject matter and position of the board. The board was in agreement that they would support a two quadrant cloverleaf interchange design at Highway 30 and 218. The board believes that the four lane project should not be jeopardized due to its importance to Benton County.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adopt Resolution #14-22, SUPPORT OF THE IOWA DEPARTMENT OF TRANSPORTATION'S DESIGN FOR THE U.S. 218 TWO QUADRANT CLOVERLEAF WITH U.S. 30 UNDER U.S. 218. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION SUPPORT OF THE IOWA DEPARTMENT OF TRANSPORTATION'S DESIGN FOR THE U.S. HIGHWAY 30 FOUR-LANE THROUGH BENTON COUNTY AND THE U.S. 218 TWO QUADRANT CLOVERLEAF WITH U.S. 30 UNDER U.S. 218 INTERCHANGE DESIGN**

WHEREAS, the Benton County Board of Supervisors has an interest in the continuance of the U.S. Highway 30 four-lane project through Benton County; and

WHEREAS, the Board of Supervisors believes that the development of a four-lane highway through Benton County is vital to the county's economic development. Economic development will benefit Benton County as well as all of the cities and counties along the entire highway due to an improved thoroughfare; and

WHEREAS, the Board of Supervisors believes that the development of a four-lane on U.S. Highway 30 will provide safer and more efficient transportation to the travelling public along the U.S. Highway 30 corridor.

WHEREAS, the four-lane has the potential to alleviate congestion on Interstate 80 by diverting more traffic to U.S. Highway 30; and

WHEREAS, the Board of Supervisors believes that the development of a U.S. 218 two quadrant cloverleaf with U.S. 30 under U.S. 218 interchange is the best design proposal being considered;

WHEREAS, the State of Iowa through the Department of Transportation has already made a sizeable investment to construct the four-lane through Benton County through the purchase of property and the development of plans.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that we support and encourage the development of U.S. Highway 30 into a four-lane through Benton County for the promotion of economic development, increased safety and efficiency to the travelling public.

BE IT RESOLVED that the Board of Supervisors supports the interchange design known as the "U.S. 218 two quadrant cloverleaf with U.S. 30 under U.S. 218".

BE IT RESOLVED that the Benton County Board of Supervisors urges the Iowa Department of Transportation to work with the landowners to minimize immediate and long-term disruption to their operations.

THE BOARD OF SUPERVISORS requests that the Iowa Department of Transportation continue with the present plan to develop U.S. Highway 30 into a four-lane across Benton County for the betterment of Benton County and the State of Iowa.

Dated this 7<sup>th</sup> day of April 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

April 8, 2014

The Board of Supervisors met in special session at the Iowa Department of Transportation Public Input Meeting held at the Honey Creek Resort on Rathbun Lake with Supervisor Frese, Hertle, and Wiley present at 9:20 a.m.

The Board met with the Iowa Transportation Commissioners during the meet and greet session on the Commissions agenda.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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At 10:25 a.m. Chairman Donald Frese presented Resolution 14-22 and letters of support from Benton Community School District, Vinton-Shellsburg School District, Benton Development Group, and Benton County Farm Bureau asking the commission to consider a clover leaf interchange design for the Highway 30 and Highway 218 intersection in Benton County.

Moved by Wiley, seconded by Hertle to adjourn meeting at 11:00 a.m.

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Donald Frese, Chairman

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Terry Hertle

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Todd Wiley

Attest: \_\_\_\_\_

Brenda Sutton, Deputy Auditor

April 15, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of April 7, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to authorize the chair to sign the Master Contract between Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America, for 2014-2015. All members voting aye thereon. Motion carried.

Treasurer Kelly Geater presented the quarterly investment report to the board for the period ending March 31, 2014.

The sheriff presented bids received for the purchase of patrol vehicles. Bids were received as follows:

Ervin Motor – no bid

Thys Motor – 2014 Chevrolet Impala with options - \$22,146

Karl Chevrolet – no bid

Junge Center Point – no bid

John Grieder Motors, Inc. – bid was late and not accepted

Deery Brothers - 2014 Chevrolet Impala with options - \$21,304

Moved by Wiley, seconded by Hertle, to authorize the sheriff to purchase up to two 2014 Chevrolet Impala's from Thys Motor at a price not to exceed \$22,146 each. All members voting aye thereon. Motion carried.

Lexa Speidel met with the Board to request the use of the courthouse lawn for the week prior to the Boomtown 5K Run, August 23 through 30, to place the Kiwanis wagon. Supervisor Wiley questioned the precedence being set with allowing this type of use. Supervisor Hertle stated that the board could always deny future requests. Moved by Hertle, seconded by Wiley, to approve use of the courthouse lawn for the week of August 23-30 for Kiwanis to place the organization's wagon on the front lawn. All members voting aye thereon. Motion carried.

Myron Lown and Rick Primmer met with the board to discuss sealcoat/dust control in front of Lazy Acres RV Park and P.A.M.S. Storage facility near Urbana. Lown questioned if a permanent surface for the road was going to be in this year's budget. If not, then he (Lown) has to get dust control plans set up before the May 2<sup>nd</sup> deadline. In October Supervisor Frese told Lown to get a quote to not only sealcoat the two hundred feet that he was requesting, but also the six hundred feet along the other side of the property. Lown received a quote from LL Pelling for \$16,000 for five hundred feet starting from the existing edge of the concrete and going north on 32 Ave. Lown did not realize that it did not cover the area in front of his property. Supervisor Wiley questioned Lown and Primmer if the sealcoat was done on a cost-share if they would still be interested in having it done. Lown stated yes, he is interested in anything making it permanent. Primmer questioned what it was going to cost him, adding that he can't handle a lot of extra. Wiley stated a cost-share formula would have to be determined at a later date. Wiley directed Benton County Engineer Myron Parizek, to prepare an estimate for what it would cost for secondary roads to sealcoat the road and ask LL Pelling to do the same. No decision was made. The item is to be placed on next week's agenda.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adopt Resolution #14-23, HIRE OF PART-TIME/SEASONAL TRUCK DRIVERS. Voting aye were Frese, Hertle and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-23 HIRE OF PART-TIME/SEASONAL TRUCK DRIVERS**

WHEREAS, the Benton County Engineer has requested approval to hire part-time/seasonal truck drivers within his department; and

WHEREAS, applications have been accepted and interviews completed for said positions; and

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following persons are approved for hire effective April 14, 2014:

Robert Beyer

IT IS FURTHER RESOLVED that the hourly wage is set at \$11.11 per hour.

Dated this 15th day of April 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to approve the placement of an advertisement in the official newspapers of Benton County regarding roadside spraying for 2014; the adoption of Resolution #14-24 DESTRUCTION OF NOXIOUS WEEDS; and to approve the notice to organic farmers and vineyard owners regarding the 2014 spraying program and direct that it be published in the official newspapers of Benton County. Voting aye were Frese, Wiley and Hertle. Nays none. Motion carried.

## **Resolution #14-24 DESTRUCTION OF NOXIOUS WEEDS**

**Be It Resolved** by the Board of Supervisors of Benton County, Iowa that pursuant to the provisions of Chapter 317, Code of Iowa, it is hereby ordered:

1. That each owner and each person in the possession or control of any lands in Benton County shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in this chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before June 1, 2014 and as often thereafter as is necessary to prevent seed production:

**Group 1.** Leafy Spurge, Perennial Peppergrass, Sour Dock, Smooth Dock, Sheep Sorrel, and Purple Loosestrife.

**Group 2.** Canada thistle, Russian Knapweed, Wild Mustard and Buckthorn.

**Group 3.** European Morning Glory or Field Bindweed, Wild Carrot, Poison Hemlock, Multiflora Rose, Horsenettle, Perennial Sowthistle, Quackgrass, Butterprint, Puncture Vine, Cocklebur, Bull Thistle, Musk Thistle, Tall Thistle, Wild Sunflower, Shattercane and Teasel.

2. That each owner and each person in the possession or control of any lands in Benton County infested with any of the following noxious weeds shall adopt a program of weed destruction described by the Weed Commissioner, which may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.

- (a) Primary Noxious Weeds: Quackgrass, Perennial Sowthistle, Canada Thistle, Bull Thistle, Musk Thistle, European Morning Glory or Field Bindweed, Horsenettle, Leafy Spurge, Perennial Peppergrass, Russian Knapweed, Buckthorn, Tall Thistle, Purple Loosestrife, and all other species of thistles belonging in general of *Cirsium* and *Carduus*.
- (b) Secondary Noxious Weeds: Butterprint, Cocklebur, Wild Mustard, Puncturevine, Teasel, Wild Carrot, Buckthorn Plantain, Sheep Sorrel, Sour Dock, Smooth Dock, Poison Hemlock, Wild Sunflower, Multiflora Rose and Shattercane.

3. That if the owners or persons in possession or control of any land in Benton County fail to comply with the foregoing orders, the Weed Commissioner or his designee shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, shall be assessed against the real estate.

4. That the County Engineer is hereby directed to cause notice of the making and entering of the foregoing order by one publication in each of the official newspapers of the County.

Dated this 15<sup>th</sup> day of April 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Gina Edler, Benton County Deputy Auditor

The engineer discussed the dirt road on 21<sup>st</sup> Ave Dr. with the board. Parizek stated he would like to shape the road with a motorgrader before putting rock down on the road. Board discussed classifications for Level B and splitting cost with Leon Tellinghuisen, Cedar Valley Farms. Moved by Wiley, seconded by Hertle to authorize secondary roads to grade/maintain 21<sup>st</sup> Ave

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Dr. as a Level B road. Any gravel or rock would be on a 50% cost-share with Leon Tellinghuisen, Cedar Valley Farms. Tellinghuisen can request cost assistance from neighboring land owners. All members voting aye thereon. Motion carried.

The engineer presented the FY15 Iowa Department of Transportation Secondary Road Construction Program and Secondary Road Budget and reviewed the same in detail. Moved by Hertle, seconded by Wiley, to approve the FY15 IDOT Secondary Road Construction Program and Secondary Road Budget. All members voting aye thereon. Motion carried.

Mark Fassbinder of IIW met with the board to discuss the courthouse window replacement project. Fassbinder spoke to the board about the front-end documents included in the overall bid document. Fassbinder had presented two different styles of front-end documents for the boards review at a prior meeting. Fassbinder also spoke to the board about the types of windows, the estimated costs, and the possibility of obtaining alternate bids. Fassbinder also discussed bidding a decorative panning versus a square panning. Supervisor Wiley commented that his goal was to get the best window for the money. Moved by Wiley, seconded by Hertle, to direct IIW to incorporate the non-IAI front-end documents into the bid documents, that the project be bid with square panning, and that alternates for two different styles of single hung windows be included. All members voting aye thereon. Motion carried. The base bid will be for a double hung window. The board will consider the decorative panning after the bid is awarded and the costs are known.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

April 22, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of April 15, 2014. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-25, COURTHOUSE WINDOW REPLACEMENT PROJECT. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-25 COURTHOUSE WINDOW REPLACEMENT PROJECT**

WHEREAS, the Benton County Board of Supervisors have determined that the windows in the Benton County Courthouse should be replaced; and

WHEREAS, the Board of Supervisors is proceeding to a public bid letting for the replacement of said windows; and

WHEREAS, Iowa law requires certain action by the Board of Supervisors prior to advertising for bids,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Courthouse Window Replacement Project proceeds to bid.

IT IS FURTHER RESOLVED that relative to said Courthouse Window Replacement Project the following:

1. The date set for receiving and opening bids is set for May 15, 2014, at 2:00 p.m., for receiving bids in the office of the county auditor and 2:15 p.m., for opening in the board of supervisors' room.
2. Bid bond is set at 10% of the amount of the bid (Iowa Code 26.8).
3. The date for a public hearing on the plans, specifications, form of contract, and estimated cost of the project is set for May 20, 2014, at 10:00 a.m. (Iowa Code 26.12)
4. The date set for awarding the bid is set for May 20, 2014, immediately following the public hearing referenced in paragraph 3.
5. The amount of the performance bond is set at 100% of the cost of the project. (Iowa Code 573.5)
6. The payment of progress payments to the contractor shall be set at thirty days. (Iowa Code 573.12(2)a(1)).
7. Liquidated damages are set at \$1000.00 for each day the project extends beyond the set completion date.

BE IT FURTHER RESOLVED that publication of the following is hereby ordered:

1. Notice of Hearing on the plans, specifications, form of contract, and estimated cost of the project pursuant to Paragraph 3 above.
2. Notice to Bidders of the Courthouse Window Replacement Project and inviting bids for the same.

Dated this 22<sup>nd</sup> day of April 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve checks numbered 209667 through 209811, payroll 137499 through 137513, and ACH deposits numbered 20414 through 20543, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to renew the contract between Benton County and Employee Benefit Systems for administration of the county's partial self-funding of health insurance for fiscal year 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Class B liquor license submitted by Bloomsbury Farm. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve sixteen hours of vacation carry-over requested by Michael Ferguson. Said carry-over is to be used by May 2, 2014 at Ferguson's request. All members voting aye thereon. Motion carried.

Supervisor Hertle spoke about recent conversations regarding Fiberright. Hertle suggested that the County require various assurances and bonds from Fiberright in the event that a clean-up event occurs. County Attorney Thompson stated that the



# **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

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county did not have the authority to require bonds and assurances absent some sort of business relationship. Hertle stated that the County should go on record as being concerned about the impact should clean-up become necessary. Supervisor Wiley was not in agreement with making a statement – adding the county should support the business and not take a position based on its failure.

The time of 9:30 a.m. having arrived, and this being the time and date for a public hearing on amending the county's FY14 budget, the board took up the matter for consideration. There was one member of the media present. The amendment had been published in accordance with law. Hearing no objections, it was moved by Hertle, seconded by Wiley, to adopt Resolution #14-26, AMENDING THE COUNTY FY14 BUDGET. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-26**

**BE IT REMEMBERED** on this, the 22nd day of April 2014, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 12, 2013. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget is amended as follows:

<b><u>Expenditures</u></b>	<b><u>Amendment</u></b>
Public Safety	\$ +6,500
Physical Health & Social Services	+\$39,805
Mental Health	\$ 0
County Environment & Education	+\$160,793
Roads & Transportation	+\$250,000
Government Services to Residents	\$ 0
Administration	\$ 0
Debt Service	\$ 0
Capital Projects	+\$50,000
Operating Transfers Out	\$ 0

<b><u>REVENUES</u></b>	<b><u>Amount</u></b>
Intergovernmental	\$+782,000
Licenses & Permits	\$ 0
Charges for Services	\$-555,000
Use of Money & Property	+\$130,000
Miscellaneous	+\$287,000
General Long Term Debt Proceeds	\$ 0
Operating Transfers – In	\$ 0
Proceeds of Fixed Assets	\$ 0
General Long Term Debt Proceeds	\$ 0

Dated this 22nd of April 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Casey Herkelman and Ben Brustkern of Cedar Valley Friends of the Family met with the board to discuss the organization services to victims of domestic and sexual assault. The purpose of the meeting was to provide information and perform outreach activities.

Charles James, Veterans Affairs Director, met with the board to request the ability to work via phone and internet for the week of May 18 through 24. James said he would be available by phone and internet. James advised that he spoke with the state about the office being closed and was told there would be no issues. Moved by Wiley, seconded by Hertle, to approve the request of Charles James to work from home, via phone and internet during the week of May 18<sup>th</sup> through May 24<sup>th</sup>. All members voting aye thereon. Motion carried.

Acting Social Service Director Carol Zander presented the general assistance quarterly report for the board's review. Zander reported that 101 applications for assistance were approved and three applications were denied. The office averaged three

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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hundred four contacts per month for the quarter. Moved by Wiley, seconded by Hertle, to approve the General Assistance quarterly report for the period ending March 31, 2014. All members voting aye thereon. Motion carried.

Jerry Petermeier spoke to the board about the Cedar Valley Ranch and surrounding farm ground and the area being leased. Petermeier stated that there is no definitive boundary lines established between the farm ground being leased and the land being leased by the Ranch. The board asked Petermeier to contact Gary Toyne, who is leasing the farm ground, to discuss boundaries between the two, as well as drainage issues.

The board met with Rick Primmer, Myron Lown, and County Engineer Myron Parizek, regarding the sealcoating /dust control on 32<sup>nd</sup> Avenue and 54<sup>th</sup> Street adjacent to the City of Urbana. Lown reported that he had approximately 6000 camping nights during 2013, which he estimated created at least two vehicle passages per day. Parizek stated that LL Pelling provided two quotes for sealcoating. Parizek presented an estimate for secondary roads to sealcoat 32<sup>nd</sup> Ave and 54<sup>th</sup> St. Trl from I380 east and north for 1600 feet. Parizek's estimate is \$56,500 to seal coat with macadam stone and a ¾ road stone base. Parizek has requested that LL Pelling submit another proposal to cover the same area as secondary road's proposal. Parizek estimated the cost to perform the same work on approximately 2600 feet, which extends further north, at \$82,500.00. Parizek stated that when sealcoat goes from a hard surface to another hard surface it works well, but when a seal coat is placed where a motorgrader has to cross it with chains it causes faster deterioration. Parizek added that to sealcoat over an existing granular surface has not been successful. Parizek listed several examples within the county that has been successful or has failed due to the types of road base. Parizek recommended a six inch rock base. Discussion ensued as to cost-sharing, special assessments, and the county's involvement. The matter was placed on the April 29<sup>th</sup> agenda for further consideration.

John Watson, Chairman of the Bento County Solid Waste Commission, met with the board to provide an update as well as seek assistance from the county. Watson reported that the Commission has been meeting regularly but may need to meet more frequently in order to determine the direction of the landfill. Watson requested that the county continue to provide fiscal agent services to the commission for six months to a year. Auditor Marlow advised that her office would provide the financial services at no charge up to a year, at which time she would seek payment for the service. Watson also requested assistance from the county, if needed, with other issues that may arise. Supervisor Wiley responded that the county would do what it could to support the Commission during the transition period. The board discussed ownership of the equipment, land, and reserve funds. More information will be provided as the Commission continues to work through the transition to operations of the landfill.

Moved by Wiley, seconded by Hertle, to adjourn. Nays none. Motion carried.

Donald H. Frese, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, Auditor

April 29, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of April 22, 2014. All members voting aye thereon. Motion carried.

Linda Kearns requested that the county consider sealcoating 57<sup>th</sup> Street Trail as well as speed limit. Wiley questioned if the residents are willing to pay 100% of the cost. Kearns replied that she understood that the county paid 50% of the road on 22<sup>nd</sup> Ave. Dr. Supervisor Hertle stated that the county did not have the money to sealcoat gravel roads; however there are a few exceptions including but not limited to business location, high traffic count or safety. Supervisor Frese added that if the residents wanted to sealcoat it at their expense, that the county may upgrade the base for a sealcoat. Hertle stated that he did not want the county to start sealcoating gravel roads for dust control purposes. Wiley added that he may not be in support of sealcoating a road even if the residents bore the entire cost due to the increased costs to the county for maintenance. Parizek questioned if the sealcoating of the 22<sup>nd</sup> Ave. Dr. from Rippel's north if that changed the traffic pattern to Rodger's Park. Wiley added that it was his understanding that the 22<sup>nd</sup> Ave Dr. project was substantially cheaper due to the county recycling material. Parizek agreed with Wiley stating that utilizing the material reduced the overall costs and subsequently the cost to the residents through the assessment. Kearns requested that a speed limit be implemented on the road. Parizek stated that the Iowa Department of Transportation will conduct a study and make recommendations. Kearns questioned how she would receive the results of the study. The board advised that the study could take up to a year to complete and she could follow-up with the engineer or the supervisors. The board requested that the engineer to have a speed study conducted.

The Board reviewed the FY2013 annual audit report for Central Iowa Juvenile Detention. The audit reflects a decrease in cash reserves from 2012 to 2013, with a significant increase in equipment and vehicle expense. The audit did not reflect any findings. Moved by Wiley, seconded by Hertle, to accept and file the 2013 annual audit report of Central Iowa Juvenile Detention. All members voting aye thereon. Motion carried.

County Engineer Parizek and Sanitarian Marc Greenlee met with the board about the removal of the manholes on the farm ground located near the Cedar Valley Ranch. Parizek stated that two of the three manholes are in use as they are connected to the city sewer system. Greenlee and Parizek questioned the removal of one manhole when considering the costs involved. The board agreed that it was economical to remove one manhole; however believed that the three manholes should be clearly marked with reflectors on highly visible posts. Greenlee reported that the manholes are of heavy steel construction and did not believe that there was a safety concern. Moved by Hertle, seconded by Wiley, that the manholes on the county property located at the County Home (NKA Cedar Valley Ranch) property in Taylor Township be left in place, and that the engineer is directed to clearly mark the manholes with posts and reflectors. All members voting aye thereon. Motion carried.

Supervisor Wiley questioned the current status of the lagoons at that same location. Parizek stated that the main lagoon currently has about three feet of water and is supporting frog and turtles. Wiley questioned the options for closing the lagoons. Parizek stated that the lagoon could be drained or pumped and then let Mother Nature take care of the rest. Wiley questioned if the conservation department would have an interest in maintaining the lagoon as a wildlife habitat. Parizek responded that he had not

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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spoken with conservation about the lagoons. Wiley stated that he would follow-up with conservation about the possibilities before any decisions are reached regarding the matter.

Rick Primmer, Myron Lown, and Don Felker met with the board regarding the possible sealcoating of 32<sup>nd</sup> Avenue and 54<sup>th</sup> Street Trail east of Urbana. Supervisor Frese stated that this is for a business purpose and suggested that the county could assist with the sealcoating from I380 to the corner of 54<sup>th</sup> Street Trail, which is approximately 1600 feet, and the adjacent property owners could be responsible for the remaining. The board discussed various cost-sharing options after reviewing estimates from the county engineer and LL Pelling. The estimated cost to upgrade the road base and apply sealcoating for a total of 1,150 feet is \$56,500.00. Supervisor Wiley estimated the footage for the three adjacent land owners and applied an estimated per-linear-foot cost of \$35.31 for completing the project and proposed that the county pay 50% of the total cost and the property owners pay the remaining fifty percent. Wiley suggested that the landowners' share either be paid in full upon completion of the project or paid through a special assessment. The adjacent landowners were in agreement with the cost estimates, as well as the payment options. Moved by Wiley, seconded by Hertle, that the county proceed with sealcoating approximately 1,150 feet of gravel road located along 32<sup>nd</sup> Avenue and 54<sup>th</sup> St. Tr. north of Urbana. (*amended May 20, 2014*) The cost of the project is to be paid as follows:

Myron Lown - \$15,006.75  
Don Felker - \$4,413.75  
Rick and Pam Primmer - \$8,827.50  
Benton County – remaining costs

The property owner may pay the entire amount due within 30 days of the assessment of the project or the unpaid balance is to be specially assessed against the property, payable over a period of five years, at an interest rate of 4 percent. The auditor is directed to have the appropriate paperwork drafted for a special assessment. The engineer is to proceed with the project. Benton County will be responsible for 100% of maintenance of the sealcoat once it is completed. Don Felker requested that a speed limit sign be installed as well. The board directed the engineer to have a speed study performed as well.

The engineer presented quotes for three 2015 tandem axle trucks. Two of the trucks being purchased are to replace two trucks destroyed by the fire that occurred at secondary roads. Quotes are for three trucks with trade-in on one vehicle.

Altorfer – CAT CT 681 SG - \$318,400  
Harrison Truck Centers – Freightliner 114SD - \$274,775  
Thompson Truck & Trailer, Inc. – International 7600 - \$294,795  
Mack Trucks, Inc. – Mack GU713 - \$314,992.93  
GATR Truck Center – Volvo VHD64B200 - \$326,667.69  
Truck Country of Cedar Rapids – Western Star 4900SB - \$381,900

Moved by Wiley, seconded by Hertle, to approve the quote submitted by Harrison Truck Centers for three Freightliner 114SD tandem axle trucks at a total cost of \$274,775.00, which includes a \$7,000 trade-in. All members voting aye thereon. The trucks are cab and chassis only.

Matt Purdy, Conservation Director, met with the board regarding his FY14 budget. The board amended conservation's budgets with the directive that funds would only be appropriated as FEMA project expenses were incurred. Purdy presented a financial report reflecting year-to-date invoices paid for FEMA related expenses totaling \$28,539.19. Moved by Wiley, seconded by Hertle, to adopt Resolution #14-27, APPROPRIATION OF FUNDS TO CONSERVATION. Voting aye were Frese, Hertle, and Frese. Nays none. Motion carried.

## **RESOLUTION #14-27 APPROPRIATION OF FUNDS TO CONSERVATION**

WHEREAS, the Benton County Board of Supervisors amend the FY14 budget on April 22, 2014; and

WHEREAS, the Board amended the conservation budget as a part of said amendment; and

WHEREAS, the amendment to conservation is to be appropriated only as FEMA related expenses are incurred; and

WHEREAS, the conservation department has incurred \$28,539.19 in FEMA related expenses as of this date;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$28,540 be appropriated to the conservation department FY14 budget.

Dated this 29<sup>th</sup> day of April 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

\_\_\_\_\_  
Donald H. Frese, Chairman

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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May 6, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of April 29, 2014 after a few modifications. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to award quote for the courthouse lawn to O'Grady Lawn & Landscape Specialties. O'Grady was the only bid received in the amount of \$603.73. All members voting aye thereon. Motion carried.

Moved by Wiley, 2<sup>nd</sup> by Hertle to authorize the Chair to sign the Plan Document and Summary Plan for the Partial Self-Funded Health Plan. All members voting aye, Motion carried.

Kasey Keeling, Kirkwood Community College and Mary Lou Erlacher, Representatives of the Workplace Learning Connection along with other representatives of the community met with the Board to give them an update of their most recent event held on February 12, 2014 in Benton County. The event was held at the Van Horne Community Center in Van Horne. The purpose of this event was to bring educators, employers, high school students and other local resources together to discuss the challenges and needs to identify the skills needed to be successful in the workplace. Another goal was to build awareness of existing programs already in place and also ways to improve a learning environment for Benton County students. Keeling said the day was a success and the students were very well received.

Erlacher also provided an update on a recent conference attended in Kansas on the CAPS (Center for Advanced Professional Studies) Program. Todd Prusha, Kirkwood, stated that this was a very diverse group of educators and business people. He offered the use of their resources for Benton County to lean upon in the future for such things as re-designing the BDG Group. Supervisor Wiley asked what else that Benton County could do to stay supportive. Erlacher invited them to attend the 2015 Conference and said it would be very beneficial to one or all of them. Mary Jo Hainstock, Vinton –Shellsburg Superintendent, said it is a good thing to encourage rural communities to come together and support our community and all move up together. Keeling agreed that moving forward with the BDG Group is a good idea. Hertle added that the county helps fund the BDG Group. The entire group seemed very positive to move forward and feels that working together in Benton County will be greatly beneficial.

Carla Loverink from Iowa Works and Skilled Iowa Program met with the board to provide an overview of the services provided by their organization in Benton County, and how they have been communicating to businesses and trying to get their programs more utilized. This program has been in existence for approximately one year now. Loverink explained the NCRC (National Career Readiness Certificate) and how it validates the skill sets for a competitive workforce across a wide range of industries. It's very similar to the ACT testing. The NCRC is available to individuals at no cost. To earn a certificate an individual must take the assessment test, and based on their scores, can earn one of four levels of certifications. Each level is aligned with specific jobs in the database. This will ensure that employers have applicants with the necessary skills and that the job seekers have demonstrated their qualifications before the initial interview. Loverink said the goal is to have the NCRC test utilized in high schools in the future as well. Wiley questioned if they worked with the Workplace Learning Center, and felt it would benefit Loverink to get in touch with the BDG Group. Loverink agreed to contact a BDG representative and asked to be on a future agenda in hopes that Benton County will be an official supporter for the program.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Mid-American Energy to place utility lines in the county's right-of-way in sections 13 and 24 of Fremont Township east of Atkins. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the purchase agreement with Derek Vopelak for a temporary easement on a bridge project East of Garrison in Sections 27 and 28 of Jackson Township for \$54.50 an acre. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to adopt Resolution #14-28 Road Closure for Bridge Construction. Voting aye were Wiley, Hertle and Frese. Nays none. Motion carried.

## **RESOLUTION #14-28**

**BE IT RESOLVED** by the Benton County Board of Supervisor's that the following described Secondary Road be closed for **CONSTRUCTION** effective from May 19, 2014, through the completion of the project.

From the NW corner of Section 34-T83N-R11W thence south 1 mile to the SW corner of Section 34-T83N-R11W along 19<sup>th</sup> Avenue between 73<sup>rd</sup> Street (US Hwy 30) & 74<sup>th</sup> Street in Union Township.

Signed this 6<sup>th</sup> day of May, 2014.

BENTON COUNTY BOARD OF SUPERVISOR'S

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
\_\_\_\_\_

ATTEST: \_\_\_\_\_  
Hayley Rippel, Deputy Auditor

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Frese, to approve the hire of Marvin Andrews as a part-time seasonal truck driver for secondary roads effective May 4, 2014 at a wage of \$11.11 an hour. All members voting aye thereon. Motion carried.

The Engineer reported that the balance in the Landfill Account at Benton County State Bank as of April 30, 2014, was \$65,861.45.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald Frese, Chairman

ATTEST: \_\_\_\_\_

Hayley Rippel, Deputy Auditor

May 13, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of May 6, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the claim submitted by Tammy Wetjen-Kestersen for Decategorization services for the month of April 2014, in the amount of \$2,716.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve checks numbered 209813 through 210067, payroll numbered 137514 through 137528, and ACH deposits numbered 20544 through 20669, for payment. Voting aye were Frese and Wiley. Hertle voting nay due to the amount of the claim submitted by Howard R. Green. Motion carried.

Move by Hertle, seconded by Wiley, to approve the hire of Gerald Stamp and Valerie Shippy, as part-time drivers, with Benton County Transportation, effective this date, at a wage of \$12.42 per hour. All members voting aye thereon. Motion carried.

Dana Burmeister, Transportation Director, requested that the board enter into a 3-year lease agreement with Route Match for two computer tablets for use in the transportation vehicles. The tablets allows for drivers to input data while in the bus and then have the information uploaded into the main Route Match program. The cost is \$79.00 per tablet per month. Supervisor Wiley questioned if Route Match would carry insurance on the tablets – adding that they should. The auditor advised that support and training would not be provided by ERBs, which is the county's management consultant for information technology services. Supervisor Wiley questioned what the cost would be if the county were to purchase the tablets. Burmeister advised that she would have to research that idea further and is to return to the next board meeting with additional information.

Moved by Hertle, seconded by Wiley, to set June 10, 2014, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Dan and Kathy O'Brien on a parcel generally described as being located in a part of the NW1/4 of the SW1/4 of 29-82-12. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

201

Marc Greenlee, Land Use Administrator, presented a Final Plat of Hidden Meadow Second Addition, Benton County, Iowa. There are three lots plus the required common area. Greenlee stated that he has reviewed the documents submitted and has found that it is in compliance with the county's regulations. There were no questions or comments heard. Moved by Wiley, seconded by Hertle, to adopt Resolution #14-29, Hidden Meadow Second Addition, Benton County, Iowa. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **HIDDEN MEADOW SECOND ADDITION BENTON COUNTY, IOWA RESOLUTION APPROVING PLAT RESOLUTION NO. 14-29**

WHEREAS, a Plat of Hidden Meadow Second Addition to Benton County, Iowa, containing four (4) lots has been presented to the Benton County, Iowa, Supervisors consisting of the following described real estate: A part of the SE ¼ NE ¼ of Section 34, Township 85 North, Range 9 West of the 5<sup>th</sup> Principal Meridian, Benton County, Iowa, described as follows:

Beginning at the NW corner of said SE ¼ NE ¼;  
Thence N87°58'36"E along the north line of said SE ¼ NE ¼, 327.32 feet to the NW corner of Hidden Meadow First Addition, Benton County, Iowa;  
Thence S00°18'12"E along the west line of said Addition, 373.96 feet to the SW corner of said Addition;  
Thence S79°45'37"E along the south line of said Addition, 455.68 feet;  
Thence S85°47'46"E along the south line of said Addition, 449.22 feet to the SE corner of said Addition;  
Thence S02°18'47"E along the west right of way of County Route W-26, 215.51 feet;  
Thence S89°50'53"W, 1231.74 feet to the west line of said SE ¼ NE ¼;  
Thence N00°12'18"W along said west line, 694.93 feet to the Point of Beginning, containing 10.66 acres.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the Ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE Benton County Board of Supervisors that said plat of Hidden Meadow Second Addition to Benton County, Iowa, will be the same and is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveway will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981.
2. Any new private water supply will be constructed with the approval of the Benton County Department of Health.
3. Any private on-site sewage treatment systems will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 13<sup>th</sup> day of May, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to enter into a new lease contract for a postage machine in the treasurer's office at \$212.72 per month. All members voting aye thereon. Motion carried.

Sheriff Randy Forsyth updated the board on the various equipment issues within his department. Forsyth reported that he is going to need to upgrade the jail controls, which is primarily due to the Windows XP operating system no longer being supported. Forsyth stated that the county could buy the computers or buy them from the company as a package with the control software. Forsyth also reported that one of the two recorders went out and that the compatible replacement equipment is no longer available. The cost to replace the recording system will be approximately \$100,000. Forsyth explained that the radio console could be upgraded and that there is also grant money available (up to \$100,000) from State E911 funds to upgrade the radio console. Forsyth was not requesting any action from the board, but rather just wanted to make them aware of some large upcoming expenses.

Moved by Wiley, seconded by Hertle, to suspend the taxes on parcel number 030-03950 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

202

Moved by Hertle, seconded by Wiley, to approve Change Order #1 to the Timber Ridge Water Project, which adds \$1000.00 to provide for the installation of a yard hydrant and valve on the water main. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the 2013 Timber Ridge Water Supply and Metering Improvement Project as complete pursuant to the Engineer's Statement of Final Completion and Owner's Acceptance of Work. Approval of the total cost of the work as set out in Engineer's Statement is pending clarification. All members voting aye thereon. Motion carried.

Supervisor Wiley spoke to the Board about the status of the animal shelter and the USDA inspection. Wiley reported that the facility failed the inspection due to several issues, but primarily due to the need for impervious paint being applied and new cages. The City of Vinton has agreed to paint the facility, and Wiley recommended that the county pay for the new cages as they are attached to the facility. Wiley continued that this is only short term solution and that a long-term solution needed to be found. Moved by Wiley, seconded by Hertle, to purchase the animal cages from Theisen's at a cost of \$3006.16. All members voting aye thereon. Motion carried.

No action was taken on the acknowledgement and support of the Iowa Works and Skilled Iowa Program.

Moved by Hertle, seconded by Wiley, to approve the use of the courthouse lawn by the Vinton Cruise Committee on July 29, 2014, for their annual cruise. The committee is responsible for enforcing the no smoking law, cleaning up the grounds, and that no vehicles are to be parked on the lawn. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit for Windstream Communications to place utility lines in the county's right-of-way in Section 18 of Iowa Township along 10<sup>th</sup> Avenue Dr. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek requested approval to purchase a skid loader from Titan Machinery. Parizek stated that he had checked into several options for replacing the skid loader that was destroyed by fire and it was his recommendation that the county proceed with the purchase of a 2012 Case from Titan. Moved by Hertle, seconded by Wiley, to authorize the engineer to purchase a 2012 Case skid loader from Titan Machinery at a cost of \$20,200. All members voting aye thereon. Motion carried.

Engineer Parizek spoke to the board about replacing the recycling building destroyed by fire. Parizek presented a drawing depicting what his department staff had designed for the new building. The design is for a building approximately 50 feet by 95 feet, with overhead doors located on the front and side. The floor is two levels due to the grade of the ground at that location and the existing cement. The board discussed the design in detail with the engineer with no formal action being needed at this time.

The board discussed property values for insurance purposes with no action being taken.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

May 15, 2014

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 1:00 p.m.

The purpose of the meeting was to open bids received for the Courthouse Window Replacement Project, which was let in accordance with Chapter 26 of the Iowa Code. Mark Fassbinder, AIA, with IIW, the county's architect and engineering firm for the project, proceeded to open the two bids that were received as follows:

- Zephyr Aluminum, Dubuque, Iowa – bid received at 1:39 p.m. in the auditor's office on May 15, 2014 with the 10% bid security enclosed. The bidder acknowledged the two addenda to the bid documents; the base bid is \$364,350.00 with no bids being submitted for Alternate #1 or Alternate #2.
- Garling Construction, Belle Plaine, Iowa – bid received at 1:52 p.m. in the auditor's office on May 15, 2014 with the 10% bid security enclosed. The bidder acknowledged the two addenda to the bid documents; the base bid is \$729,000.00 with Alternate #1 being bid as a \$93,000 deduction and Alternate #2 being bid as a \$71,000.00 addition.

The board requested that Fassbinder review the bids received and make a recommendation for acceptance at the board meeting on May 20, 2014.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried at 2:27 p.m.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

May 20, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of May 13, 2014 and May 15, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to amend the minutes of April 29, 2014, to reflect the following correction:

"Moved by Wiley, seconded by Hertle, that the county proceed with sealcoating approximately 4,450 1600 feet of gravel road located along 32<sup>nd</sup> Avenue and 54<sup>th</sup> St. Tr. North east of Urbana...."

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

203

All members voting aye thereon. Motion carried.

County Conservation Executive Director Matt Purdy met with the board to provide an update on the status of the FEMA projects his department has been working on. The projects are a result of flooding in June of 2013. Purdy reported that he had replaced rock at Wildcat Park in amount of \$564.87. The board had previously amended the budget to include the FEMA expenses, but will only appropriate the funds as expenses are incurred. Moved by Wiley, seconded by Hertle, to adopt Resolution #14-30, APPROPRIATION OF FUNDS TO CONSERVATION. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-30 APPROPRIATION OF FUNDS TO CONSERVATION**

WHEREAS, the Benton County Board of Supervisors amended the FY14 budget on April 22, 2014; and

WHEREAS, the Board amended the conservation budget as a part of said amendment; and

WHEREAS, the amendment to conservation is to be appropriated only as FEMA related expenses are incurred; and

WHEREAS, the conservation department has incurred \$564.87 in FEMA related expenses as of this date;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$564.87 be appropriated to the conservation department's FY14 budget.

Dated this 20<sup>th</sup> day of May 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Purdy spoke to the board about his current budget and that he is attempting to get all of the FEMA related expenses completed but with high water it is difficult to put gravel down. Purdy stated that he will probably be pushing the expenses clear up until the end of the fiscal year. Supervisor Wiley cautioned Purdy that his difficulty in getting the work done prior to the end of the budget year was not due to the supervisors or the conservation department's budget, as the work could have been completed earlier during the fiscal year.

Supervisor Hertle spoke on behalf of the Historic Preservation Commission about placing a fundraising sign on the courthouse lawn for repairing the courthouse clock. Hertle stated that the Commission would like to erect a sign on the southwest corner of the lawn that depicts a clock face with each minute representing \$1000.00 in donations. Hertle spoke about the fundraising and grant writing efforts being undertaken by the Commission. Hertle was hopeful that grant money will be awarded and that donations will continue to come in. Moved by Wiley, seconded by Hertle, to authorize the Benton County Historical Preservation Commission to place a fundraising sign on the courthouse lawn, in a location to be determined by the board of supervisors, and the board reserves the right to remove the sign at any time for any reason or for no reason. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to accept the resignation of Colette McKenna from the recorder's office, effective May 9, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a Class Liquor License requested by the Watkins Community Athletic Association and a Class B Liquor License requested by Blairstown Sauerkraut Days Beer Tent. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to direct the auditor to contact the Iowa Department of Human Services regarding the leasing of office space in the Governor Sherman building, with an offer of a three-year lease at \$10.00 per square foot per year. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the hire of Rachel Wehage as a part-time corrections officer in the law enforcement center, effective May 20, 2014, at a training wage of \$12.41 per hour. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to re-appoint Randall Forsyth to the Benton County E911 Board. Said appointment is in accordance with the by-laws of the E911 Board and the appointment is perpetual and is until a replacement is made by the Board of Supervisors. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

204

Moved by Wiley, seconded by Hertle, to enter into the Petition, Contract, & Waiver re: Sealcoat Improvements on 54<sup>th</sup> Street and 32<sup>nd</sup> Avenue. Voting aye were Frese, Hertle, and Wiley. Motion carried.

## **PETITION, CONTRACT AND WAIVER**

THIS AGREEMENT is made and entered into by and between Benton County, Iowa (hereinafter referred to as the "County"), and the undersigned property owners (hereinafter referred to as the "Property Owners").

WHEREAS, the Property Owners are respectively the owners of the tracts of real estate set opposite their names; and

WHEREAS, the Property Owners desire that the public improvements described as sealcoat improvements to a portion of the secondary road that goes northeast along 54<sup>th</sup> Street Trail from I-380 to 32d Avenue, then west along 32d Avenue, a total of 1,600 feet (hereinafter referred to as the "Project") be accomplished; and

WHEREAS, such construction will specifically benefit the respective property of the Property Owners; and

WHEREAS, the County has the power to accomplish the Project and assess a portion of the cost thereof to the Property Owners pursuant to Sections 331.485 and 331.486 of the Code of Iowa, by using the procedures set out in Chapter 384, Division IV of the Code of Iowa; and

WHEREAS, the County proposes to pay a portion of the cost of the Project and to assess a portion of the cost to the Property Owners, in the proposed amounts shown below their signatures to this document;

NOW, THEREFORE, IT IS AGREED AMONG THE PARTIES HERETO AS FOLLOWS:

The Property Owners and the County, by execution of this Agreement, agree and intend that this Agreement shall constitute a written contract and petition as required by Section 384.41 of the Code of Iowa, for the initiation of a plan for a public improvement to be paid in whole or in part by special assessments to be levied against the below listed properties of the Property Owners.

FURTHER, the County, by execution of this Agreement, agrees to proceed as soon as practicable, to take any and all action required by Chapters 331 and 384 of the Code of Iowa, or any and all other actions required by law to be taken in order to complete the Project.

FURTHER, each of the Property Owners, by execution of this Agreement:

Waives notice to property owners by publication and mailing as provided by Section 384.50 of the Code of Iowa (relating to notice of hearing at which the owners of property to be assessed or other interested parties may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot, or the final adoption of the resolution of necessity).

Waives the right to a hearing on the proposed resolution of necessity as provided for in Section 384.51 of the Code of Iowa.

Consents to the adoption of a preliminary resolution, a plat, schedule and cost estimate, and resolution of necessity by the County for the Project.

Waives any objections to the Project, the boundaries of the district, the costs of the Project, the assessment against any lot, or the final adoption of the resolution of necessity.

Agrees that the amount and proportion of the cost of the construction of the Project, as ascertained and determined by the Board of Supervisors of the County and set forth in the Final Schedule of Assessments to be prepared following completion of the construction of the Project and to be paid by the Property Owners, shall constitute assessments against the respective properties listed below.

Waives the notice to property owners by publication and mailing as provided by Section 384.60 of the Code of Iowa (relating to notice of certification to County Treasurer of final schedule of assessments).

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

205

Agrees that said assessments shall be paid by the undersigned Property Owners either in cash without interest within 30 days after the Board of Supervisors has levied the assessments, or in not more than five equal annual installments of principal plus accrued interest at the rate of 5% per annum.

Agrees that this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the Property Owners.

DATED as of the 20<sup>th</sup> day of May, 2014.

BENTON COUNTY, IOWA

By \_\_\_\_\_  
Chairperson, Board of Supervisors

Attest:

\_\_\_\_\_  
County Auditor

SIGNATURES OF PROPERTY OWNERS

DESCRIPTION OF PROPERTY

\_\_\_\_\_  
Donald D. Felker

Parcel ID 83010800

\_\_\_\_\_  
Doris J. Felker

Proposed Assessment: \$4,413.75

SIGNATURE OF PROPERTY OWNER

DESCRIPTION OF PROPERTY

\_\_\_\_\_  
Larvp Land, LLC c/o Myron Lown

Parcel ID 83022250

Proposed Assessment: \$15,006.75

SIGNATURE OF PROPERTY OWNER

DESCRIPTION OF PROPERTY

\_\_\_\_\_  
Pamela B. Primmer

Parcel ID 83022200

Proposed Assessment: \$8,827.50

The Board had previously accepted the 2013 Timber Ridge Water Supply and Metering Improvement Project as complete on May 13, 2014, pursuant to the Engineer's Statement of Final Completion and Owner's Acceptance of Work with the stipulation that the approval of the total cost of the work as set out in Engineer's Statement was to be clarified. The auditor reported that she spoke with the engineer on the project and was informed that the total contract price included additional materials that were needed, for which no contract change order was filed. The engineer informed the auditor that his firm generally did not submit change orders for additional material. Moved by Wiley, seconded by Hertle, to accept the total cost of the project as set forth in the Engineer's Statement of Final Completion and Owner's Acceptance of Work for the 2013 Timber Ridge Water Supply and Metering Improvement Project. All members voting aye thereon. Motion carried.

The time of 10:00 a.m. having arrived and this being the time and date set for a public hearing on the Plans, Specifications, Estimated Cost and Form of Contract for the Courthouse Window Replacement Project, the Chair declared the public hearing open. There was no one present. The notice of the hearing had been published in accordance with law. The estimated cost of the project is \$364,350.00 plus a 10% contingency. The costs do not include architect and engineering expenses, lead abatement costs, or other items outside of the specifications. Hearing no comment either for or against the plans, specifications, estimated cost and form of contract, the Chair declared the public hearing closed.

The board then discussed the bids received for the courthouse window replacement project. The engineer has reviewed the bids for compliance with the bid documents and has recommended that the project be awarded to Zephyr Aluminum Products, Inc., the lowest responsive, responsible bidder. Moved by Hertle, seconded by Wiley, to award the Courthouse Window

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

206

Replacement Project to Zephyr Aluminum Products, Inc. of Dubuque, Iowa, in the amount of \$364,350.00. The contract, bond, and insurance are to be presented to the board for approval at a future meeting. All members voting aye thereon. Motion carried.

The board continued working on the property values for insurance purposes.

Nancy Farmer, Melissa Smith and Scott Hansen met with the board regarding the Public Health Preparedness Emergency Response Plan (the Plan). Farmer explained that the Board of Health routinely reviews the Plan and updates it as the needs arise. The Plan provides for emergency response for public health related issues and is coordinated with the Benton County Emergency Management Agency's (EMA) response plan. The Plan provides for response procedures for disease outbreaks, large fatality incidents, etcetera, and sets forth references to the EMA plan when appropriate to eliminate duplication of services and efforts. Farmer stated that the Board of Health approves the Plan but that the supervisors are also asked to acknowledge the Plan as well. Moved by Wiley, seconded by Hertle, to acknowledge that the Benton County Board of Health has a Public Health Preparedness Emergency Response Plan that is a National Incident Management System (NIMS) compliant plan. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek requested authority to advertise and hire a part-time clerical employee. Parizek stated that his office had been staffed in the past with two full-time secretaries and that he has been evaluating the need for additional staff over the past several years. Parizek stated that changes have been made in procedures and software programs that have led to more efficiency and that he has determined that a part-time position should be sufficient to meet the needs of the office. Parizek stated that the position will be for approximately twenty to twenty-five hours per week, with exceptions when covering absences and/or vacations. Moved by Wiley, seconded by Hertle, to authorize the engineer to advertise for a part-time clerical position at a wage of \$10.50 to \$11.00 per hour. All members voting aye thereon. Motion carried.

The engineer spoke to the board about the landfill commission and a proposed service agreement to use secondary roads personnel for the day-to-day operations. The commission will take control and management of the solid waste facility on July 1, 2014, and have proposed to contract with the county to continue to utilize the same employees. The board, engineer, and auditor discussed the various advantages and disadvantages of the proposal, including but not limited to, insurance, benefits, employment related management issues, and labor contracts. The board directed the engineer to speak with the union representative to determine the union's position on the proposal.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

May 27, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of May 20, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 210068 through 210228, payroll numbered 135729 through 137544, and ACH deposits numbered 20670 through 20801, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-31, TRANSFER OF FUNDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-31 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$400,000 be transferred from General Basic to Capital Projects. The auditor is authorized to adjust the budget to reflect this transfer.

Dated this 27<sup>th</sup> day of May 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

207

Jim Kahle and Mary Kahle met with the Board to discuss the possibility of receiving a variance to the county's subdivision ordinance on a parcel located in the W1/2 of the E1/2 of the SE1/4 of 28-82-10. Irene Kahle, the owner of the property, would like to allow for the construction of a new residence by a non-family member. A split would be required and due to a previous split in the 40-acre aliquot part, a subdivision plat would be required. The owner has no intentions of creating a rural housing development. Jim Kahle explained that allowing another residence to be constructed on the parcel would provide for continuous oversight of his mother. Supervisor Wiley questioned what the hardship in this situation would be due to the county's ordinance only providing for a variance in cases of undue hardship. Kahle responded that the hardship would be that his mother would not be able to continue living in her home. Wiley questioned what issues may arise in the future if the properties transferred. Kahle responded that any transfer of his mother's property would be to immediate family members and that no problem is anticipated. Supervisor Hertle stated that he had no concerns with granting the request. Moved by Hertle, seconded by Wiley, to adopt Resolution #14-32, VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-32**

### **Variance to the Benton County Subdivision Ordinance**

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #61; and  
WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and  
WHEREAS, said ordinance sets forth the minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and  
WHEREAS, a request has been presented to the Board of Supervisors to vary a part of the requirements of the ordinance to allow one additional division on a parcel located in the W1/2 of the E1/2 of the SE1/4 of 28-82-10 due to hardship,  
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 are hereby varied for one additional division of real property located in the W1/2 of the E1/2 of the SE1/4 of 28-82-10. The ordinance is varied/waived in its entirety except the following sections of Ordinance #61 remain in full force and effect:

Section 6.04 Requirements of the Final Plat  
Section 6.05 Attachments to the Final Plat  
Section 6.06 Procedure for Review & Approval of Final Plat

Strict adherence to the requirements of the subdivision ordinance would create an undue hardship for the following reason(s):

1. The division is not for a multi-residential subdivision.
2. The division may provide the owner the opportunity to remain in his/her home, which may not be possible if an adjacent residence, is not constructed, providing for immediate personal assistance, if needed.

Dated this 5<sup>27</sup> day of May 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

The Board discussed property values for insurance purposes. No action was taken.  
Moved by Hertle seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

June 3, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of May 27, 2014. All members voting aye thereon. Motion carried

Moved by Hertle, seconded by Wiley, to amend the minutes of May 13, 2014, to reflect the Vinton Cruise Committee is using the courthouse lawn on July 19, 2014 (minutes state July 29, 2014). All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set July 1, 2014, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Marvin and Jayne Machacek on a parcel located in the SE1/4 of 28-82-10. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Aaron Siek. Siek is requesting an exemption to allow for a single residential purpose on a parcel located in the NW1/4 of the SW1/4 of the NE1/4 of 3-82-11. Siek is involved in the family farming operation on 193 acres in a corn and soybean rotation. Moved by Hertle, seconded by Wiley, to approve a farm exemption pursuant to the Benton County Agricultural Land Use Preservation Ordinance on a parcel located at 1928 74<sup>th</sup> Street, Blainstown and located in the NW1/4 of the SW1/4 of the NE1/4 of 3-82-11 as submitted by Aaron Siek. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

208

Moved by Wiley, seconded by Hertle, to enter into and direct the chair to sign the 4<sup>th</sup> Amendment to the Lease Agreement between Benton County and the Department of Human Services for office space in the Governor Sherman Building, at \$10.00 per square foot for a term of three years. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into and direct the chair to sign the Memorandum of Understanding for FY14 audit services with EideBailly. All members voting aye thereon. Motion carried.

Auditor Jill Marlow requested that the board enter into a contract with the Iowa State Association of Counties for services relative to the Health Insurance Portability and Accountability Act. Marlow explained that counties are required to comply with HIPAA and the rules are extremely complex and the assistance being offered through the contract would be beneficial to the county. Moved by Wiley, seconded by Hertle, to enter into and direct the chair to sign the agreement with the Iowa State Association of Counties for HIPAA related services at a cost of \$1750.00 annually. All members voting aye thereon. Motion carried.

The auditor spoke with the board about a county website design. Marlow requested authority to negotiate with a potential vendor on the proposed cost, but only if the county is interesting in proceeding. The board agreed that a new website is needed and that Marlow should attempt to procure the service subject to the board's final approval of the contract.

Auditor Jill Marlow advised that a budget amendment would be needed for the FY15 budget that starts on July 1, 2014, to provide the budget authority to transfer assets from the county to the Benton County Sanitary Landfill Commission and to provide budget authority to conservation to spend the \$180,000 grant they received. The board directed Marlow to prepare an amendment and to determine if other departments may be in need of an amendment.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-34, CERTIFICATION OF DEPUTY AND ASSISTANT SALARIES FOR FY15. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-34**

#### **CERTIFICATION OF DEPUTY SALARIES FOR FY15**

WHEREAS, Iowa Code 331.904(1) states that the board shall certify the annual base salary of the deputies in the auditor's, recorder's, and treasurer's office; and

WHEREAS, Iowa Code 331.904 (3) states that the county attorney shall set the salaries of the county attorney's assistants; and

WHEREAS, the salaries of the deputies and assistants of the auditor, treasurer, recorder, have been certified by the principal officers to the board of supervisors; and

WHEREAS, the county attorney has set the salaries of the assistants in his office; and

WHEREAS, the base salaries do not exceed the limitations specified in Iowa Code,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following salaries for deputies and assistants in the respective offices be certified to the county auditor:

#### **Auditor's Office:**

Brenda Sutton – 85% of the principal officer

Hayley Rippel – 85% of the principal officer

Gina Edler – 58.5% of the principal officer

#### **Treasurer's Office:**

Kim Staab – 85% of the principal officer

Michele Sauer – 75% of the principal officer

Melinda Schoettmer – 65% of the principal officer

#### **Recorder's Office:**

Melissa Boisen – 70% of the principal officer

#### **Attorney's Office:**

Emily Nydle – 85% of the principal officer

Jo Nelson - \$61,645.82

Dated this 3<sup>th</sup> day of June 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve and enter into the Benton County, Iowa Public Improvement Contract for the Benton County Courthouse Window/Entrance Replacement with Zephyr Aluminum Products, Inc., in the amount of \$364,350.00, the County of Benton, Iowa Performance, Payment and Maintenance Bond and Proof of Insurance for the courthouse window/entrance replacement project. All members voting aye thereon. Motion carried.

The Chair reported that certain property owners within the County had filed a written contract pursuant to Sections 331.485 and 331.486 of the Code of Iowa seeking to initiate a plan for a public improvement in the County to be paid for in whole or in part by special assessments.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to approve the utility permits (2) requested by East Central Iowa REC to place utility lines in the county's right-of-way in the following locations:

1. Florence Township, north of Norway, in/between sections 7 and 18
2. Benton Township, east of Vinton, in/between sections 30 and 31

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in Leroy Township Section 25. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the Federal Aid Bridge Replacement Agreement BRS-CO06(95)—60-06, for a box culvert project in Monroe Township, to be let in November 2014, at an estimated cost of \$450,000 with an 80% federal match. All members voting aye thereon. Motion carried.

The county engineer presented two quotes for truck dump bodies and accessories as follows:

- 15' Dump Body: Future Line Truck Equip - \$14,782 & Henderson Truck Equip - \$16,037
- 14/15 ft. – front Center Discharge only : Future Line Truck Equip - \$25,454 & Henderson Truck Equip - \$28,796
- 12' x 48" reversible sow plow w/integral shield: Future Line Truck Equip - \$5895 & Henderson Truck Equip - \$6118
- 9" Auger under tailgate spreader: Future Line Truck Equip - \$3,616 & Henderson Truck Equip - \$3,753
- Hydraulic Package w/components: Force America Distributing - \$13,747 & Henderson Truck Equip - \$13,088

The engineer recommended that all equipment be purchased from Henderson Truck Equipment for various reasons including failure to meet specifications, familiar equipment already in use, consistency. Moved by Wiley, seconded by Hertle, to purchase the truck dump bodies and accessories from Henderson Truck Equipment per the quotes submitted. All members voting aye thereon. Motion carried.

Transportation Director Dana Burmeister and Linn County Lifts Director Tom Hardecopf met with the board to discuss the RouteMatch computer tablets for use in the county's transportation vehicles. The tablets are available with proprietary software for use with the RouteMatch computer program currently being used by Benton County. The tablets provide for point of use date entry by the vehicle drivers and then upload to the main computer. The data is used for calculating trip mileage and client usage. The lease is for a three-year period. Burmeister requested approval to lease two tablets at \$948.00 per unit per year. Burmeister stated that if the two tablets provided more efficiency in the services being provided, she would budget for additional tablets in FY16. Burmeister stated that the tablets could take the place of the cell phones currently being used by her drivers, which would offset part of the cost. Moved by Wiley, seconded by Hertle, to approve entering into a 3-year lease agreement with Route Match for two computer tablets for the transportation department at a cost of \$948.00 per tablet per year. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson met with the board to discuss contractual details for services provided by Benton County and the Benton County Solid Waste Commission. The county will provide fiscal agent services for up to one year free of charge and details of the arrangement need to be drafted. The commission has requested that Benton County provide the day-to-day labor for the operation of the landfill for up to one year. The commission will pay the county all costs associated with the employment of the operating personnel. The county attorney also spoke about the need to transfer assets to the commission, including equipment, land, and funds. Several issues still need to be researched with commission members Jennifer Zahradnik and John Watson agreeing to pursue the issues including, but not limited to, obtaining a tax identification number and establishing bank accounts, as well as discussing the duties of the county treasurer. It was questioned if the county would be able to provide a short-term loan to the commission. The board stated that the county would be willing to provide short term cash flow to the commission if needed and if the appropriate agreements were entered into. The county attorney will continue to work on a draft setting forth the details for consideration by the board and the commission.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Supervisor Wiley moved the adoption of a resolution of necessity for the Project. The motion was seconded by Supervisor Hertle and passed with record vote as follows:

Ayes: Frese, Hertle, and Wiley

Nays: None

Whereupon, the Chairperson declared the resolution adopted, as follows:

RESOLUTION NO. 14-33

Resolution of Necessity

WHEREAS, the Board of Supervisors of Benton County, Iowa (the "Board") proposes to undertake a public improvement described as sealcoat improvements to a portion of the secondary road that goes northeast along 54<sup>th</sup> Street Trail from I-380 to 32<sup>nd</sup> Avenue, then west along 32<sup>nd</sup> Avenue, a total of 1,600 feet (the "Project"); and

WHEREAS, the owners of record of certain property affected by the Project have signed and filed with the County Auditor a written contract petitioning for the Project, pursuant to Sections 331.485 and 331.486 of the Code of Iowa;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. It is hereby found and determined to be necessary and for the best interest of the County and its inhabitants to proceed with the Project, and to assess a portion of the cost to the property benefited thereby.

Section 2. It is hereby found and determined that there are now on file in the office of the County Auditor an estimated total cost of the proposed work and a preliminary plat and schedule showing the amount proposed to be assessed to each lot by reason of the Project.

Section 3. The County Engineer is hereby authorized and directed to take such actions as may be necessary to comply with state law to undertake the construction of the Project.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved this 3<sup>rd</sup> day of June, 2014.

\_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
County Auditor

Moved by Hertle, seconded by Wiley, to enter into closed session pursuant to Iowa Code 21.5(1)(c) to discuss pending litigation. All members voting aye thereon. Motion carried at 12:00 p.m. with Supervisors Frese, Hertle, and Wiley, County Attorney David Thompson, Assistant County Engineer Ben Vierling, Secondary Road Employee John Mayhew, and Benton County Auditor Jill Marlow present.

Moved by Hertle, seconded by Wiley, to return to open session. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to direct the county attorney to send a letter to the party involved detailing the county's position as discussed. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

Attest: \_\_\_\_\_

Jill Marlow, Auditor

June 10, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. Supervisor Wiley was absent due to his attendance at the Iowa Department of Transportation Commission meeting in Perry, Iowa. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of June 3, 2014. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Veterans' Affairs quarterly report for the period ending March 31, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Decategorization claim submitted by Tammy Wetjen-Kestersen for services provided in May 2014. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 210229 through 210477, payroll checks numbered 137545 through 137566, and ACH deposits numbered 20802 through 20932, for payment. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into and authorize the chair to sign the Transit Purchase of Service Contract between Benton County and East Central Iowa Council of Governments for FY15. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to award quote to Advanced Environmental for the lead abatement around the windows in the courthouse. Advanced Environmental bid received was in the amount of \$27,800 and Galena Remissio Inc., bid received was in the amount of \$33,775. Both members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

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Moved by Hertle, seconded by Frese, to approve and authorize the chair to sign the Excess Flood Insurance renewal binder for coverage on the law enforcement center for the period July 1, 2014 through June 30, 2015 with Arthur J. Gallagher Risk Management Services. Supervisor Hertle recommended that the county take additional insurance for terrorism at a cost of \$683.00. The renewal premium is \$16,704.39 and is for \$5,825,000 excess of \$500,000 building limit and \$1,000,000 excess of \$500,000 contents limit. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Dan and Kathy O'Brien. Anders and Geraldine Norgaard adjacent property owner were present. Marc Greenlee stated that the application of the land use change was withdrawn via fax. The property was going to be used for a truck/livestock trailer wash. Greenlee stated he was concerned with the waste from the livestock trailers. At the property there was no way to dispose of it properly. The property is in a mapped flood zone. Greenlee wanted to inform the board on why the land use change was withdrawn since there was a lot of interest from the community regarding the intended use.

Acting Social Services Director Carol Zander and Marilyn Austin met with the board to discuss the Social Services office and an update on the region. Zander stated that the Director position needs to be posted for advertisement. Zander presented the board with an update job description for the position. Currently Zander finds beds for Mental Health commitments, as of July 1, the Clerk of Court will be doing that. Zander asked the board what they wanted her to do with substance abuse cases, if they wanted her to find beds for them or if she should give that to the Clerk of Court as well. She is getting to the point where she can't find beds for them. Supervisor Hertle stated, whatever Zander decides is best. Zander responded that she will continue to try to find beds for the substance abuse cases unless if she gets too busy and is unable to, then she will hand that over to the Clerk of Court as well. Starting July 1 Victoria Fink will only be working Tuesday and Friday's. Zander is hoping that her working 2 days is enough. If not, she might have to ask to hire someone who can work 3 days a week. Austin updated the board on the region. Austin stated she is concerned about Zander's position; she doesn't want to lose her. Austin stated she is very happy with how the regionalization is going. The bigger counties are not trying to overpower the smaller counties and everyone is working well together.

The time of 10:00 a.m. having arrived, the board proceeded with canvassing the June 3, 2014, Primary Election. Having reviewed all results, it was moved by Hertle, seconded by Frese, to approve the canvass of the June 3, 2014, Primary Election, and declare the winners so elected. Further that the write-ins for Burtwin Day are to be counted as Burt Day, Dave Thompson are to be counted as David Thompson, Chris Jorgenson are to be counted as Chris Jorgensen, Jennifer L. Zahradnik, Jenifer Zarodnik, Jennifer Zarindek and Jennifer Zahradnik to be counted as Jennifer Zahradnik. Both members voting aye thereon. Motion carried

### Democrat:

Attorney General – Tom Miller  
Auditor of State – Jonathan Neiderbach  
Governor – Jack Hatch  
Secretary of Agriculture – Sherrie Taha  
Secretary of State – Brad Anderson  
State Representative – Steve Beck  
Treasurer of State – Michael L. Fitzgerald  
US State Representative – Pat Murphy  
US Senator – Bruce Braley  
County Supervisor – Ed Sass  
County Treasurer – no candidate  
County Recorder – no candidate  
County Attorney – David C. Thompson

### Republican:

Attorney General – no candidate  
Auditor of State – Mary Mosiman  
Governor – Terry E. Brandstad  
Secretary of Agriculture – Bill Northey  
Secretary of State – Paul D. Pate  
State Representative – Dawn Pettengill  
Treasurer of State – no candidate  
US State Representative – Steve Rathje  
US Senator – Joni Ernst  
County Supervisor – Todd Andrew Wiley  
County Treasurer – Kelly Rae Geater  
County Recorder – Lexa S. Speidel  
County Attorney – no candidate

The auditor is directed to file the results in the records of the Benton County Auditor's Office. Both members voting aye thereon. Motion carried.

Conservation Director Matt Purdy met with the board to discuss FY14 FEMA expenditures and FY15 Budget amendment proposal. Purdy stated he believes all the FEMA work will be done by July 1<sup>st</sup>; he needs authority to appropriate money towards FEMA funds. Moved by Hertle, seconded by Frese to appropriate \$6,825.52 towards FEMA expenditures. Both members voting aye thereon. Motion carried.

Purdy is requesting a budget amendment for FY15 in the amount of the Federal Recreational Trails Grant of \$143,858.55. Purdy stated he is hoping to get all the work done in FY15; project should get done quickly once they get started.



# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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County Engineer Myron Parizek met with the board to discuss FY15 Budget amendment. Parizek stated that the Lazy Acres seal coating project was not configured into the FY15 budget and with the cold winter we had there are a bridge and asphalt roads that need to be tended to that was not in his budget. Parizek is requesting \$275,000 budget amendment.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Deputy Auditor

June 17, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of June 10, 2014. All members voting aye thereon. Motion carried.

Marlyn Jorgenson met with the board to provide an update on Benton Development Group (BDG). Jorgenson spoke to rebranding, reinvigorating and reorganizing the organization. Jorgenson reported that new officers have been elected and most communities are sending representatives to meetings; however no representatives from Norway or Mt Auburn have attended. Jorgenson encouraged open communication between the board of supervisors and BDG. The group is promoting attendance by more than just one community representative as well. Jorgenson expected rebranding of the organization to be successful with new slogans and new logos. The organization has been successful in obtaining grant funds to assist with the development of a new website with the cities potentially having spinoff websites. BDG has asked each town to contribute a \$50 membership to show a commitment by the community. Jorgenson reported that the organization has been responsive to various requests. They have been meetings with other partners including the rural electric cooperatives, Alliant Energy, and the USDA. The group has been working with Alliant Energy for assistance in building relationships. BDG hosted the Governor at Clickstop and is hoping to host the State Secretary of Agriculture in the future. The Group has been working with various leads. Jorgenson reported on Atkins building a day care center, adding that BDG had no involvement in the project but the center showed that Atkins was looking forward - adding that people who have their day care in Cedar Rapids will open enroll their children when they enter school due to relationships established with other daycare children. Jorgenson stated that he understood that the board of supervisors could not bind future boards but asked if the current members would continue to fund the organization at a minimum of the current level. Jorgenson stated that would provide stability, and would be beneficial when the organization interviews for a director. Supervisor Frese responded that everything he has heard and seen recently has been positive and was in support of continued funding. Supervisor Hertle stated that Benton Development Group has accomplished the things that he had asked and was also in support of continued funding. Supervisor Wiley supported a three year commitment of \$75,000, and added that if an opportunity presents itself to BDG that the organization should not be afraid to come to the supervisors for assistance, if possible. Wiley commented that the county may need to revisit current ordinances on land use. All agreed that continued communication with periodic updates was vital to continued support.

Judy Funk representing Heartland Insurance Risk Pool (HIRP) met with the board regarding the annual renewal. Benton County is currently a member of HIRP and gets all but Public Officials' Bond from them. Funk reviewed the county's insurance and explained the premiums and coverage for FY15. Moved by Wiley, seconded by Hertle, to Bind Coverage with Heartland Insurance Risk Pool for FY15 and direct the chair to sign the same. All members voting aye thereon. Motion carried.

Ed Hermann of the Department of Human Services and the county attorney met with the board regarding the current office space housing DHS employees. Hermann stated that the current facility was unacceptable and cited various reasons to support his statement. Hermann and the county attorney both encouraged the board to consider leasing office space at the Iowa Braille and Sight Saving School. Supervisor Frese stated that he had looked at the Braille School earlier in the year with the county attorney and that the entire courthouse could be relocated there because there is that much space. Hermann stated that he estimated the cost to remodel the current facility at \$24,000 plus. Hermann stated the cost to lease space from the Braille School would be approximately \$10,816 per year. There would be initial relocation expenses with a move to the Braille School. The board asked Hermann to coordinate a tour of the Braille School at their next meeting.

Moved by Wiley, seconded by Hertle, to accept the resignation of Tim Steies, a part-time employee of Benton County Transportation, effective June 7, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize Benton County Transportation to advertise for the hire of two part-time drivers. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the resignation of Charles James as Benton County Director of Veterans Affairs, effective July 1, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Charles James to the Benton County Veterans Affairs Commission, effective June 30, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by ITC Midwest to place utility lines in the county's right-of-way in Florence Township, along 28<sup>th</sup>, 29<sup>th</sup>, and 30<sup>th</sup> Avenue. All members voting aye thereon. Motion carried.

The engineer reported the balance in the Blairstown bank for the landfill account on May 31, 2014, was \$75,567.77.

The engineer spoke to the board regarding the invoices that would be received after July 1, 2014, for products and services received prior to June 30, 2014, relative to the Sanitary Disposal.

Moved by Wiley, seconded by Hertle, to approve the following purchase agreements for .63 acres of road right-of-way for a total of \$8,000.00, located south of Atkins in the NE1/4 of 23-85-9:

Marvin, Fred, & William Rammelsberg Separate Property Trust: \$4,000.00

Harold Rammelsberg Trust - \$1333.34

Florence Rammelsberg - \$1,333.33

Lois Bienlien - \$1,333.33

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into closed session pursuant to Iowa Code 21.5(1)a and 21.5(1)l and at the request of Myron Parizek, County Engineer, and Ben Vierling, Assistant County Engineer. All members voting aye thereon. Motion carried at 11:05 a.m.

Moved by Hertle, seconded by Wiley, to return to open session. All members voting aye thereon. Motion carried at 11:30 a.m.

The county attorney is to draft the appropriate response as discussed in closed session.

Benton County Executive Director Matt Purdy requested additional appropriations to cover FEMA related expenses. The board previously amended the budget to include the FEMA expenses, but stated that the funds would only be appropriated as expenses were incurred. Purdy reported that his department had incurred approximately \$103,913.00 in FEMA covered repairs, including rip rap in the parking lot, sand in the volley ball court, repairs at Minne Estema and the Old Creamery Nature Trail. Supervisor Wiley questioned the rock placed at Minne Estema Park. Purdy advised that the rock was to replace material that had washed away during the 2013 flood event.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-35, APPROPRIATION OF FUNDS TO CONSERVATION. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-35 APPROPRIATION OF FUNDS TO CONSERVATION**

WHEREAS, the Benton County Board of Supervisors amended the FY14 budget on April 22, 2014; and

WHEREAS, the Board amended the conservation budget as a part of said amendment; and

WHEREAS, the amendment to conservation is to be appropriated only as FEMA related expenses are incurred; and

WHEREAS, the conservation department has incurred \$103,913.00 in FEMA related expenses as of this date;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$103,913.00 be appropriated to the conservation department's FY14 budget.

Dated this 17<sup>th</sup> day of June 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to set July 8, 2014, at 9:45 a.m., as the time and date for a public hearing on amending the county's FY15 budget. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

June 24, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 8:30 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of June 17, 2014. All members voting aye thereon. Motion carried.

John Watson and Jennifer Zahradnik, representing the Benton County Solid Waste Disposal Commission, met with the board regarding the transition of governance from the county to the commission. The county has agreed to be the fiscal agent for the commission for up to one year at no cost. However, the day-to-day labor for operating the landfill will be billed to the commission on a quarterly basis as the current employees will remain county employees until July 1, 2015. The county engineer and staff will also provide day-to-day management services and bill the commission for those services including but not limited to labor and office supplies. The current assets attributed to the landfill will be transferred from the county to the commission on July 1, 2014 with funds being withheld to pay for outstanding checks and invoices that will be received after July 1<sup>st</sup> for services provided prior to July 1<sup>st</sup>.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adopt Resolution #14-43, MEMORANDUM OF UNDERSTANDING. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #14-43

## **MEMORANDUM OF UNDERSTANDING**

This agreement is entered into as of July 1, 2014, by and between Benton County, Iowa (hereinafter "Benton County") and the Benton County Solid Waste Disposal Commission (hereinafter "Commission").

This Memorandum of Understanding shall serve to accomplish the transition of solid waste disposal services from Benton County to the Commission.

**Section 1. Purpose.** The parties pledge to cooperate with each other in order to accomplish a smooth and cost effective transition of solid waste disposal services, including the operation of the Benton County Landfill, from Benton County, Iowa to the Commission.

**Section 2. Legal Status.** This Memorandum of Understanding is a voluntary joint undertaking of public entities in Benton County, Iowa using a common "Waste Management Facility" pursuant to the provisions of Chapter 28E of the Iowa Code.

**Section 3. Duration.** This agreement shall commence on July 1, 2014 and shall continue through June 30, 2015. This agreement may be extended and otherwise modified by the mutual agreement of the parties in writing.

**Section 4. Landfill Debt.** Benton County is currently repaying a loan for the Landfill to the Security Savings Bank of Urbana, Iowa. Benton County will withhold \$25,000.00 from the funds that it will transfer to the Commission on July 1, 2014. The remaining principal and interest payments will be withheld from the September 2014 and March 2015 per capita payments from Benton County.

**Section 5. Landfill Employees and Employee Cost Reimbursement.** Benton County agrees to continue to act as Employer for the individuals who work at the Benton County Landfill. The Commission will reimburse Benton County for the cost of the Landfill employees' wages, tax withholdings, health insurance, retirement benefits, worker's compensation insurance and all other employee related expense. Examples of other employee related expenses would include such things as additional education and training for Landfill employees, or attorney fees incurred as a result of the employee's collective bargaining agreement. Benton County shall bill the Commission on a quarterly basis for the expenses covered under this section and the Commission shall reimburse Benton County within thirty (30) days of being billed.

**Section 6. Reimbursement of other Costs.** The Commission agrees to reimburse Benton County for any direct costs Benton County expends operating the Benton County Landfill, including but not limited to office supplies, postage, publication fees and day-to-day operating items. Benton County agrees that the Commission may use the Secondary Roads Maintenance Department to provide routine maintenance and repairs on their equipment, maintenance on their road and hauling of rock and materials if appropriate. The Commission shall reimburse Benton County for any services that are invoiced by Secondary Roads on a monthly basis.

**Section 7. County Engineer Services.** Benton County agrees to continue to provide the County Engineer's services as they relate to the Landfill to the same extent as they were provided in the past. Further, the County Engineer and his staff will continue to provide necessary secretarial, billing and other services for the Landfill to the Commission. The County Engineer's department agrees to track costs for supplies and shall bill the Commission on a quarterly basis for the expenses covered under Section 6 and 7 and the Commission shall reimburse Benton County within thirty (30) days of being billed.

**Section 8. Benton County Auditor and Treasurer Services.** The Benton County Auditor and Treasurer have agreed to serve as fiscal agents for the Commission. The Auditor and Treasurer may require the Commission to enter into respective Fiscal Agent Agreements with them should they deem it appropriate to do so. The Auditor will audit bills or other claims against the Commission and issue warrants to pay the same, will maintain accounting records, will conduct bookkeeping, will file all appropriate tax documents and transfer Commission funds in her discretion. The Treasurer will continue to be responsible for the receipt, management, disbursement, financial reporting, bonds and investment of all monies paid to the Commission for solid waste disposal. The Treasurer shall continue to manage the closure/post closure funds until such time as those funds are turned over to the Commission for management.

**Section 9. Transfer of Ownership.** Benton County agrees to transfer to the Commission the Benton County Landfill real estate and adjacent County owned real estate by quit claim deed effective July 1, 2014. This transfer will be subject to a

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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reversionary interest that shall remain with Benton County which shall state that if the Commission dissolves, the aforementioned real estate shall revert to Benton County. Benton County also transfers ownership of all Landfill equipment and machinery, including vehicles assigned to Landfill use, to the Commission. The current farm lease with Tim Sage shall be assigned to the Commission with all rents due and payable after July 1, 2014, paid to the Commission.

**Section 10. Insurance.** The Commission agrees to put in place insurance for all landfill equipment and machinery, automobile liability insurance, liability insurance, and insurance for errors and omissions by July 1, 2014 and agrees to maintain this insurance during the life of this agreement.

**Section 11. Bank Accounts and Contracts.** The Commission shall promptly obtain the necessary bank accounts for the Landfill in their name by July 1, 2014 so that Benton County can close its accounts and transfer funds to the Commission. Further, the Commission agrees to promptly cause the transfer of all other contracts and agreements currently in the name of Benton County with various vendors to the Commission.

Adopted this 24th day of June, 2014.

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Donald H. Frese, Chairperson, Benton County Board of Supervisors

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Terry L. Hertle, Benton County Supervisor

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Todd Wiley, Benton County Supervisor

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John Watson, Chairperson Benton County Solid Waste Disposal Commission

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Jennifer Zahradnik, Benton County Solid Waste Disposal Commission

Moved by Wiley, seconded by Hertle, approve checks numbered 210478 through 210699, payroll checks numbered 137567 through 137648, and ACH deposits numbered 20933 through 21065, for payment. All members voting aye thereon. Motion carried.

The auditor spoke to the board about the lack of a handicapped parking space at the law enforcement center. The City of Vinton has agreed to install a van-accessible parking space; however, they are asking the county to designate the location. Moved by Wiley, seconded by Hertle, to designate the southern-most parking space located on the east side of the law enforcement center as the handicapped parking space. This location will provide for the shortest most direct route to the handicapped entrance to the law enforcement center. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to direct the chair to sign the Risk Pool Agreement between Benton County and the Heartland Insurance Risk Pool, effective July 1, 2014, for a five-year term. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a fireworks permit requested by Chris Herr, aka Fully Loaded Aerial Displays, for an event to be held on July 5, 2014, at the Watkins ball diamond. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into a contract between Benton County and Tammy Wetjen-Kestersen for decategorization services for the period July 1, 2014 through June 30, 2015 and a contract between Benton County and the Department of Human Services for Decategorization Program Administration for the period July 1, 2014 through June 30, 2015. All members voting aye thereon. Motion carried. The agreements allow for pass-thru funds from the State for Wetjen-Kesterson's services to the Benton and Iowa Decategorization Board in the amount of \$34,221.60 annually.

Moved by Hertle, seconded by Wiley, to approve a cigarette permit for Kimm's Sinclair for the period beginning July 1 2014 and ending June 30, 2015. All members voting aye thereon. Motion carried.

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

216

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-36, RESOLUTION COMMITTING FUND BALANCES IN ACCORDANCE WITH GASB 54. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-36**

#### **RESOLUTION COMMITTING FUND BALANCES IN ACCORDANCE WITH GASB 54**

WHEREAS, the Governmental Accounting Standards Board has adopted statement #54 (GASB 54); and

WHEREAS, Benton County desires to commit a portion of fund balances in accordance with GASB 54,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following funds are committed as of June 30, 2014:

#### **COMMITTED FUND BALANCES:**

**General Fund:** \$3,000 sanitarian vehicle replacement; \$50,000 election equipment replacement; \$50,000 emergency response; \$15,000 historic preservation

**Rural Services Fund** - \$3,000 land use administrator vehicle replacement

**EMS Revolving Loan Fund** – 106,798 for emergency services loans

**LOSST Fund** - \$50,000 for technology upgrades and infrastructure

BE IT RESOLVED that committed fund balances established prior to June 30, 2014, are hereby uncommitted as of June 30, 2014, and the committed fund balances stated above are established in lieu thereof.

BE IT FURTHER RESOLVED that the designation of committed fund balances indicates that Benton County prefers to use available financial resources for the specific purposes set forth above, and although committed, the funds are to remain an integral part of the spendable or appropriable resources of Benton County

Signed this 24<sup>th</sup> day of June 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

217

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-37, COUNTY OFFICIAL BANK DEPOSITORY LIMITS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-37 COUNTY OFFICIAL BANK DEPOSITORY LIMITS**

IT IS HEREBY RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for County funds in amounts not to exceed the amount named opposite said depository and the following named county officers are hereby authorized to deposit said County funds in amounts not to exceed the maximum amount named after said bank as follows for fiscal year 2015:

Lexa Speidel, Recorder Farmers Savings Bank & Trust – Vinton	\$150,000
Randall Forsyth, Sheriff Farmers Savings Bank & Trust – Vinton	\$ 250,000
Randall Forsyth, Sheriff US Bank	\$ 1,000
Randall Forsyth, Sheriff Regions Bank	\$ 100,000
Jill Marlow, Auditor US Bank	\$ 5,000
Farmers Savings Bank	\$ 5,000
Myron Parizek Benton County State Bank	\$ 250,000

Signed this 24th day of June, 2014

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

218

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-38, APPROPRIATIONS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION # 14-38 APPROPRIATIONS**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2014, in accordance with Section 331.434, Subsection 6, Code of Iowa,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA**, as follows:

Section 1. The amounts itemized by service area to each department on the budgets filed in the office of the county auditor on July 1, 2014 are hereby appropriated. Federal and State grants and/or reimbursements expendable during the fiscal year are hereby appropriated to the designated departments or offices. For purposes of this resolution all departments relating to elections are considered one department. Further, the auditor is authorized to expend funds from the following budgets: Auditor, Elections, District Court, General Services, Non-departmental, GIS, Medical Examiner, Human Resources, Information Technology and other budgets not under the specific authority of an elected official or full-time county official to ensure the day-to-day operations of the county. *The appropriation for the sheriff's department is reduced by \$100,000.00 from the adopted FY15 budget.*

Section 2. Subject to the provisions of other county procedures and regulations and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations, effective July 1, 2014.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract, which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the 2014-2015 budget year the auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriations, she shall immediately so inform the Board and recommend appropriate corrective action.

Section 5. The auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The auditor shall report the status of such accounts to the applicable departments and officers at least quarterly during the 2014-2015 budget year.

Section 6. Tax Increment payments, which are subject to annual appropriation are authorized.

Section 7. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2015.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 24, 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

219

Moved by Hertle, seconded by Frese, to adopt Resolution #14-39, BANK DEPOSITORIES. Voting aye were Frese and Hertle. Nays none. Wiley abstained due to his position on the board of one of the listed banks.

## **Resolution #14-39 Bank Depositories**

BE IT RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for the County funds in amounts not to exceed the amount named opposite said designated depository, and the County Treasurer is here by authorized to deposit said county funds in amounts not to exceed the maximum approved for each respective bank as follows for fiscal year 2015.

US Bank	
Vinton	\$ 500,000
Farmers Savings Bank & Trust	
Vinton/Traer	\$ 20,000,000
Midwest One Bank & Trust	
Belle Plaine	\$ 5,000,000
Wells Fargo Bank Iowa, N.A.	
Des Moines/Newhall	\$ 5,000,000
Wells Fargo Bank Iowa, N.A.	
Des Moines/Urbana	\$ 5,000,000
Regions Bank	
Waterloo/Vinton	\$ 5,000,000
Chelsea Savings Bank	
Belle Plaine/Chelsea	\$ 5,000,000
Chelsea Savings Bank	
Belle Plaine/Van Horne	\$ 5,000,000
Benton County State Bank	
Blairstown	\$ 3,000,000
Bank Iowa	
Norway	\$ 2,000,000
Watkins Savings Bank	
Watkins	\$ 1,000,000
Cedar Valley Bank & Trust	
La Porte City/Mt. Auburn	\$ 5,000,000
Farmers Savings Bank	
Walford	\$ 750,000
Atkins Savings Bank & Trust	
Atkins	\$ 750,000
Keystone Savings Bank	
Keystone	\$ 1,000,000
Dysart State Bank	
Dysart	\$ 500,000
United Security Bank	
Urbana	\$ 1,000,000
Security State Bank	
Independence	\$ 500,000

Signed this 24th day of June 2014

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

220

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-40, INTERFUND OPERATING TRANSFERS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-40 INTERFUND OPERATING TRANSFERS**

**WHEREAS**, it is desired to authorize the auditor to periodically transfer sums from the general basic fund to the secondary road fund, general supplemental fund, and conservation land acquisition fund; and rural services fund to secondary road and sanitary disposal funds during the 2014-2015 budget year, and

**WHEREAS**, said transfers must be in accordance with section 331.432, Code of Iowa,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA** as follows:

Section 1. The total maximum transfers for the fiscal year beginning July 1, 2014, shall not exceed the amounts listed in the respective funds as follows:

<u>FROM (Fund)</u>	<u>TO (Fund)</u>	<u>AMOUNT (max.)</u>
General Basic	Secondary Road	\$ 164,662.00
General Basic	General Supplemental	\$ 825,000.00
General Basic	Debt Service	\$ -
General Basic	Land Acquisition	\$ 25,000.00
Rural Services Basic	Secondary Road	\$ 2,161,764.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2014-2015. Said quarterly transfers shall be one quarter of the total transfer to each fund as set forth in Section 1.

Section 3. Exceptions to Section 2 shall be transfers to the Conservation Land Acquisition fund, which may be done at any time during the fiscal year

Section 3. The amount of the transfers required in section 1 to the secondary road fund shall be in accordance with Iowa Code 331.429(1)(a) and (b).

Section 4. The amount of any transfer shall not exceed available fund balances in the transferring fund.

Section 5. The auditor is directed to transfer said funds in accordance with this resolution and to notify the treasurer and county engineer of the amounts of said transfers.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 24, 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

221

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-41 SERVICE AREA BUDGET AMENDMENT. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-41 SERVICE AREA BUDGET AMENDMENT**

BE IT RESOLVED by the Benton County Board of Supervisors that the FY14 budget be amended within service areas as follows:

**WHEREAS**, the Benton County Board of Supervisors adopted the FY 2014 budget on March 12, 2013; and

**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2014 county budget is hereby amended within the following service areas:

Service Area 6 - \$75.00 from department 34 to department 35

**IT IS FURTHER RESOLVED** that said funds are hereby appropriated to the respective departments.

The auditor is directed to make the necessary changes.

Signed this 24<sup>th</sup> day of June 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-42 TRANSFER OF FUNDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-42 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

Sanitary Disposal to Closure Post Closure - \$100,000.00  
Local Option Sales & Services (LOSST) to Secondary Roads - \$224,876.37  
Local Option Sales & Services (LOSST) to Rural Services - \$202,870.00

Dated this 24<sup>th</sup> day of June 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Keith Baldwin met with the board regarding a fireworks permit. Baldwin presented an incomplete application for a permit, but advised that he is in the process of obtaining the remaining documents, insurance coverage, etc. that is required. The board told Baldwin that until all documentation and requirements were met that no action could be taken. Baldwin advised he would try to have a completed application for the board's consideration on July 1, 2014.

Moved by Wiley, seconded by Hertle, to recess until 11:00 a.m. All members voting aye thereon. Motion carried at 10:15 a.m.

Chairman Frese reconvened the meeting at 11:00 a.m. with all members present at the Iowa Braille and Sight Saving School.

The board viewed the area available for office space for the Department of Human Services employees. The county is required to provide offices, as well as office equipment and supplies, for human service employees. The Braille School has a variety of rooms available that can be used to meet the needs of the department. Representatives of the Department of Human Service, Adult Probation, County Attorney David Thompson, and Assistant County Attorney Emily Nydle were also present. County Attorney

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Thompson stated that the board should also consider moving Adult Probation to the area as well as the offices in the Governor Sherman Building. No action was taken.

Moved by Wiley, seconded by Hertle to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

July 1, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of June 24, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a fireworks permit requested by Keith Baldwin, for an event to be held on July 2, 2014, at 3373 64<sup>th</sup> St, Palo. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to set July 29, 2014, at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Daniel and Dawn Dietz on a parcel located in the NW1/4 Sec 14-86-10. All members voting aye thereon. Motion carried.

Board discussed the DHS office space; Karen Frantz supervisor for Adult probation was present. Supervisor Hertle stated he didn't realize the conditions were that bad. He didn't like the accessibility of the Braille school, and doesn't want to move before the construction is finished. Supervisor Wiley stated he is also concerned with the accessibility and what they would do with the current DHS building. Kathy Frantz questioned where Brody the Adult probation officer for Benton County would go if they moved. Wiley stated that if DHS moves Brody would move as well. Frantz questioned if there would be issues with clients with disabilities and if there would be a separate waiting room available so they don't have clients waiting together. Wiley responded that the building is ADA compliant and he recommended that Frantz call Don Boddicker to ask for a tour so she could get a feel for what they might be looking at. One concern Wiley had was the security, Adult probation being with the student population. Wiley broke off from the tour group last week and no one stopped him and questioned what he was doing. County Attorney David Thompson stated that the lease agreement has to be right for Benton County. Thompson recommends that the county investigate the terms of the lease before they proceed any further. Board instructed Thompson to get a copy of the lease in writing and ask Don Boddicker about security issues before moving forward.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Marvin & Jayne Machacek. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the SE1/4 of 28-82-10. The request is to change the classification to a single residential use. A new septic would be needed for the residence. Hearing no further comment, it was moved by Hertle, seconded by Wiley, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a residential purpose on a parcel generally described as being located in the SE1/4 of Sec. 28-82-10. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve law enforcement contracts with the following cities for the period beginning July 1, 2014 and ending June 30, 2015: Atkins, Blainstown, Garrison, Keystone, Luzerne, Mt. Auburn, Newhall, Norway, Shellsburg, Urbana and Walford. All members voting aye thereon. Motion carried

Atkins - \$21,060 annually – 936 hours  
Blainstown - \$17,550 annually – 780 hours  
Garrison - \$3,510 annually – 156 hours  
Keystone - \$5,850 annually – 260 hours  
Luzerne - \$585 annually – 26 hours  
Mt Auburn - \$585 annually – 26 hours  
Newhall - \$17,550 annually – 780 hours  
Norway - \$11,700 annually – 520 hours  
Shellsburg - \$5,850 annually – 260 hours  
Urbana - \$2,925 annually – 130 hours  
Walford - \$11,700 annually – 520 hours

Moved by Hertle, seconded by Wiley, to enter into closed session pursuant to Iowa Code 21.5(1)c at the request of David Thompson, Benton County Attorney. All members voting aye thereon. Motion carried at 10:00 a.m.

Moved by Hertle, seconded by Wiley, to return to open session. All members voting aye thereon. Motion carried at 10:14 a.m.

Moved by Wiley, seconded by Hertle to authorize the county attorney to draft the appropriate response as discussed in closed session.

Myron Parizek, Benton County Engineer updated the Board on the recent storm damage around the county with Secondary Roads.

Supervisor Hertle updated the board on the Solid Waste Commission. Hertle stated they approved the master plan and they are an actual commission as of July 1<sup>st</sup>. They are delaying hiring a manager at this time. They are going to be making a new cell. They will have 3 copy tickets for the scale operator to use. They will need to deposit every day instead of once a week. They will be installing a camera to capture license plate numbers if needed and will be able to record any theft or vandalism at night. They will be having the scale operator doing a trial run to see how the new tickets and procedures will work.

Board discussed an emergency item of water in the courthouse basement with Rick Bramow, Maintenance Director and Justin Birker. The Board looked at the electrical box outside the courthouse. Bramow believes that since the electrical box is no

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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longer level and has cracks for water to leak in, this is where the water was coming in at. Board discussed jacking up the electrical box with a mud jack and concreting or filling under the electrical box to level it up and slope the concrete so the water can be directed away from the building. Board directed Bramow and Birker to contact Iowa Wall Sawing to get a quote.

Moved by Wiley, seconded by Hertle to Execute Quit Claim Deeds transferring real property to the Benton County Solid Waste Commission. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Moved by Wiley, seconded by Hertle to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Gina Edler-Deputy Auditor

July 8, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of July 1, 2014, with correction of Wiley making a motion and not Frese. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into a contract with MECCA, effective July 1, 2014 through June 30, 2015, to provide substance abuse client services at a cost of \$488 per day – an increase from \$350 per day. All members voting aye thereon. Motion carried.

The board received and filed the quarterly report for general assistance for the period ending June 30, 2014.

Moved by Wiley, seconded by Hertle, to approve payment of checks numbered 210700 through 210896, payroll checks numbered 137649 through 137663, and ACH deposits numbered 21066 through 21196, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim submitted by Tammy Wetjen-Kestersen in the amount of \$2,716 for decategorization services for June 2014. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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The time of 9:45 a.m., having arrived and this being the time and date for a public hearing on amending the FY14 county budget – the board took up the matter for consideration. There was one member of the public present and one member of the media present. Hearing no comment either for or against the proposed amendment, it was moved by Wiley, seconded by Hertle, to adopt Resolution #14-44, AMENDING THE FY15 COUNTY BUDGET. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-44 AMENDING THE FY15 COUNTY BUDGET**

**BE IT REMEMBERED** on this, the 8th day of July 2014, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 4, 2014. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<b><u>Expenditures</u></b>	<b><u>Amendment</u></b>
Public Safety	\$ +80,000
Physical Health & Social Services	\$+17,000
Mental Health	\$ 0
County Environment & Education	\$+1,859,000
Roads & Transportation	\$+275,000
Government Services to Residents	\$ 0
Administration	\$ 0
Debt Service	\$ 0
Capital Projects	\$+180,000
Operating Transfers Out	\$-335,220

<b><u>REVENUES</u></b>	<b><u>Amount</u></b>
Intergovernmental	\$+144,150
Licenses & Permits	\$ 0
Charges for Services	\$ 0
Use of Money & Property	\$ 0
Miscellaneous	\$+35,850
General Long Term Debt Proceeds	\$ 0
Operating Transfers – In	\$-335,220
Proceeds of Fixed Assets	\$ 0
General Long Term Debt Proceeds	\$ 0

**IT IS FURTHER RESOLVED** that the above amendment s are hereby appropriated.

Dated this 8th of July 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

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Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

The board discussed various issues surrounding the transition of the solid waste facility and operations to the commission. Supervisor Hertle reported that commission believes that the county should continue to provide recycling for the rural residents. Auditor Marlow stated that the proposed per-capita of \$37.00 applied to the rural tax levy includes \$4.00 for recycling operations. Marlow continued that the per-capita paid to the commission would be reduced accordingly. Marlow also questioned the use of the recycling trailers – stating that if the recycling was paid from the rural levy then legally only rural residents could use the service. Marlow said the costs could either be paid 100% from the general fund or split between the general and rural fund if the trailers were used by persons residing or doing business within the cities.

The board also discussed the costs for the Vinton brush dump. The county previously paid the City of Vinton from the sanitary disposal fund to allow general use of the brush dump; however, it will be the decision of the solid waste commission as to whether that service continues as the costs will be borne by the commission.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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The board discussed the new fees being implemented at the landfill. The Solid Waste Commission has taken action to implement a \$10.00 gate fee and a \$60.00 tonnage fee. The \$60.00 tonnage fee will apply to anyone bringing in waste regardless of residence. However, commercial haulers will be charged \$25.00 per ton for waste picked up within the cities and \$60.00 per ton for waste picked up outside of the cities. Supervisor Wiley questioned why rural residents were ultimately being charged more when the county is paying the same per-capita rate as the cities. Commission member John Watson stated that the commission did not consider that there were rural commercial haulers; however commission member Jennifer Zahradnik stated that the issue was discussed at the last commission meeting and it was decided that additional revenue was necessary and that raising tonnage fees was determined to be the best solution. Zahradnik stated that the intention of the commission is to equalize the tonnage fee next year. Zahradnik also reported that the commission anticipates that using a gate fee/tonnage fee will allow for a reduced per-capita fee in the future.

Moved by Wiley, seconded by Hertle, to assign the current lease agreement between Benton County and Tim Sage to the Benton County Solid Waste Disposal Commission. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **ASSIGNMENT OF LEASE AGREEMENT WITH NOTICE OF ASSIGNMENT**

Pursuant to the 28E Agreement and Memorandum of Understanding, the undersigned, Benton County, "Assignor", Lessor of that certain lease agreement described below, does hereby assign unto the Benton County Solid Waste Disposal Committee, "Assignee", all its right, title and interest in and to said Lease Agreement. The rental payments as provided in said lease agreement are \$255.00 per acre with the next payment being due on the 1st day of November, 2014.

Lease Agreement executed by Benton County, "Lessor", and Tim Sage, "Lessee", concerning premises located at:

A Part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section 35-T82N-R11W, and A Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of 35-T82N-R11W, containing 48.29 acres, more or less,

possession by Tenant to commence on March 15, 2013, and end on March 1<sup>st</sup>, 2016.  
and provided for lease payments of \$255.00 per acre, filed with the Auditor the 15<sup>th</sup> day of March, 2013. Payments commenced on the 15th day of March, 2015, and end at the termination of the lease on the 1st day of March, 2016. The lease was amended by the Board of Supervisors on April 16<sup>th</sup>, 2013, as reflected in the minutes, for this meeting to be for 47.79 acres.

Assignee is further assigned all rights and obligations of Lessor in the Lease subject to the laws of the State of Iowa relating to Landlords and Tenants. Assignee is only acquiring the rights of Lessor during the term of the lease assigned and all rights are subject to the parties 28E Agreement and Memorandum of Understanding dated the 24th day of June, 2014.

## **NOTICE OF ASSIGNMENT**

Lessee, Tim Sage, of said Lease Agreement is hereby advised that the above referenced Lease Agreement has been assigned to Benton County Solid Waste Disposal Commission, Assignee, and Lessee is hereby directed to make all future rental payments to Assignee at the following address:

Benton County Solid Waste Disposal Commission  
C/O Benton County Treasurer  
111 E. 4<sup>th</sup> St.  
Vinton, IA 52349

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on this the 8th day of July, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairperson, Benton County Board of Supervisors

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Terry L. Hertle, Benton County Supervisor

\_\_\_\_\_  
Todd Wiley, Benton County Supervisor

\_\_\_\_\_  
John Watson, Chairperson Benton County Solid Waste Disposal Commission

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Jennifer Zahradnik, Benton County Solid Waste Disposal Commission

Gordon Wagner spoke to the board about dust control in front of his residence on 28<sup>th</sup> Avenue. Wagner reported that he paid to have dust control applied and that the county recently tore the dust control area up. Wagner stated that the recent heavy rains had caused road damage to approximately 100 feet of the 400-foot dust control and he agreed that the county had to repair

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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the 100 feet. However, Wagner believed that the remaining 300 feet could have been left. Wagner questioned who authorized the work and the board's position regarding the matter. County Engineer Myron Parizek advised that due to the amount of road damage in the southeast part of the county that he had instructed the maintenance crews to tear up the dust control in areas needing repair. Parizek agreed that only 100 feet probably needed to be maintained. Supervisor Wiley stated that based on the area torn up and the price paid by Wagner, that the cost to replace the dust control would be approximately \$137.00. Wagner agreed with Wiley. Supervisor Hertle proposed paying Wagner \$150.00 for the damaged dust control area. Supervisor Frese commented that the board should be cautious in how they handled the issue due to the potential for future claims. Wagner agreed and stated that he would check with the private dust control company about the cost for re-application and inform the board as to the outcome of that conversation.

Moved by Wiley, seconded by Hertle, to approve the Iowa Department of Transportation Agreement #06-14-HBPS-12 and BROS –CO06(98)—8J-06 for the bridge replacement on 75<sup>th</sup> Street over Prairie Creek. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Iowa Department of Transportation Agreement 06-14-HBPS-17 and BROS –CO06(97)—8J-06 for the bridge replacement on 27<sup>th</sup> Avenue over Prairie Creek. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at the Blainstown bank on June 30, 2014, was \$85,148.54. However, after an outstanding check clears the balance will be \$2,380.77.

The engineer presented quotes for the construction of a 50 x 100 foot post frame building shell to replace the building destroyed by fire. Quotes were received as follows:

Pro-build, Walker - \$58,300.00

Spahn & Rose Lumber Co., Jesup - \$59,975.00

McDowell's Building Materials, Vinton - \$65,969.47

Eastern Iowa Buildings, Fairfax - \$66,575.00

Menards, Cedar Rapids - \$44,731.38 (materials only)

Moved by Wiley, seconded by Hertle, to award the quote to Pro-build at a cost of \$58,300.00. All members voting aye thereon. Motion carried.

The county engineer spoke to the board about the current policy on driveways and the possibility of granting variances to said policy. Supervisor Hertle had approached the engineer about a variance for a driveway improvement requested by a rural resident; however under current policy no improvements could be made unless the driveway complied with the county's driveway policy. The current policy requires sight distance of five hundred feet and the driveway in question does not meet that requirement. The board discussed the matter in detail and the safety factors involved. It was also discussed that the current policy did not provide for variances. The board did not take any action.

Supervisor Wiley questioned the status of the bridge crossing near the Mark Boddicker residence. The bridge was destroyed in 2013 from flash flooding. The engineer advised that the project is not proceeding as quickly as he would like, adding that getting the railroad cars was the easy part and that it was the construction that is problematic as he hasn't located a contractor as of this date. Wiley questioned how the board was to hold the engineer accountable in getting the project done. The engineer advised that the cars had been ordered and are to be delivered by the end of the month. The engineer advised that the completion target date is early September.

Supervisor Wiley also questioned the status of the sealcoat project by Lazy Acres – adding that the landowners had expected the project to be completed by this time. The engineer advised that no agreement had been entered into regarding the project as of this date.

The board questioned if the engineer had made in progress with the right-of-way purchase with Keipers. The engineer advised that no progress had been made as of this date. The board also questioned the status of right-of-way purchase with Nemecek. The engineer advised that an agreement should be reached soon.

The board expressed the need to complete the projects to the engineer.

The auditor questioned if the board was interested in obtaining quotes for labor negotiation services. The auditor stated that the board had indicated in the past that they were interested in reviewing various expenses. Supervisor Frese and Hertle indicated that that they had no interest in obtaining quotes. Supervisor Wiley questioned what the costs other counties paid for this type of service. The auditor provided limited information on the costs other counties incurred. Supervisor Frese stated that he would speak with the current negotiator regarding the costs for his services.

The board spoke with Charles James regarding the applications for veteran affairs director. It was agreed that the Veterans Affairs Commission would interview the applicants and make a recommendation to the board of supervisors.

No action was taken on the vacation carry-over request for Jerry Michael as he is covered by a labor contract.

Moved by Wiley, seconded by Hertle, to approve the auditor's and sheriff's quarterly reports for the period ending June 30, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to recess until 1:30 p.m. All members voting aye thereon. Motion carried at 12:15 p.m.

The board reconvened at 1:30 p.m.

Employee performance reviews were conducted with Marc Greenlee, Carol Zander, and Dana Burmeister. The employees provided an update on their job responsibilities. The board discussed the employees' current performance and established goals for the next year. The board intends to conduct annual performance reviews of the department heads who report to them.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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July 15, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of July 8, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the recorder's quarterly report for the period ending June 30, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the hire of the following individuals as part-time drivers in the transportation department:

Clyde Renn, effective July 15, 2014, at a wage of \$12.67 per hour

Donald Mahurin, effective October 20, 2014, at a wage of \$12.67 per hour

All members voting aye thereon. Motion carried.

The board directed the auditor to fully appropriate the July 8, 2014, budget amendment.

Moved by Hertle, seconded by Wiley, to split the recycling costs between the general fund and the rural services on a 10/90 basis, with 10% being paid from the general fund and 90% from the rural services fund. This is to address concerns that the recycling service provided by the county can be used by non-rural residents. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to begin transferring cash assets from the county to the Benton County Solid Waste Disposal Commission, and approve checks payable to the commission as follows:

Sanitary Disposal Fund - \$186,512.68

Ground Water Fund - \$1,468.02

Closure Post Closure Fund - \$1,703,281.89

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-45, APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED VETERAN'S HOMESTEAD TAX CREDITS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-45**

### **APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED VETERAN'S HOMESTEAD TAX CREDITS**

WHEREAS, Iowa law provides that property owners may apply for certain credits against their property tax; and

WHEREAS, new applications for various credits have been submitted to the assessor, in accordance with law, for his approval or disapproval; and

WHEREAS, the assessor has made recommendations and provided said applications to the auditor; and

WHEREAS, the auditor has submitted said applications to the board of supervisors for their consideration; and

WHEREAS, the board of supervisors is required to allow or disallow the credit,

NOW THEREFORE BE IT RESOLVED that the following applications for Homestead Credit, Military Credit, and/or Disabled Veteran's Homestead Credit submitted to the assessor on or before July 1, 2014, are hereby disallowed based on the assessor's recommendation:

240-75950 – Disabled Veteran's Homestead Credit

240-40300 – Military Exemption

440-14500 – Military Exemption

030-38425 – Military Exemption

IT IS FURTHER RESOLVED that the remainder of the applications for Homestead Credit, Military Credit, and/or Disabled Veteran's Homestead Credit that were filed with the assessor on or before July 1, 2014 are allowed based on the assessor's recommendation.. The assessor is to maintain a permanent file of the applications in accordance with law.

Signed this 8<sup>th</sup> day of July 2014.

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Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor



## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to recess until 1:30 p.m. All members voting aye thereon. Motion carried.

The chair reconvened the meeting at 1:30 p.m. with all members present.

Employee performance reviews were conducted with Rick Bramow and Myron Parizek. The employees provided an update on their job responsibilities. The board discussed the employees' current performance and established goals for the next year. The board intends to conduct annual performance reviews of the department heads who report to them.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

July 22, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of July 15, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 2108977 through 211084 (includes checks approved on July 15, 2014), payroll checks numbered 137664 through 137679, ACH deposits numbered 21197 through 21330, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-46, TRANSFER OF FUNDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-46 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$40,946.31 be transferred from the CDBG Fund to the General Basic Fund.

BE IT FURTHER RESOLVED that upon receipt of the remaining \$3,734.00 of CDBG funds, the auditor is authorized to transfer said amount to the General Basic Fund.

The auditor is authorized to adjust the budget to reflect this action.

Dated this 22<sup>nd</sup> day of July 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd A. Wiley

ATTEST: \_\_\_\_\_

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to enter into an Agreement between Benton County and Spinutech for the development, maintenance, and hosting of a county website. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the treasurer's semi-annual report for the period ending June 30, 2014. All members voting aye thereon. Motion carried.

Mark Fassbinder of IIW spoke with the board about the removal of lead paint from around the windows and doors. The board asked Fassbinder to research the cost and effectiveness of staining and sealing the existing wood versus painting. Fassbinder is also waiting for pricing on the decorative panning to present to the board for consideration.

The Veterans' Affairs Commission met with the board to recommend the appointment of Tonielle Parizek as the veterans' affairs director. Moved by Wiley, seconded by Hertle, to approve the recommendation of the Veterans' Affairs Commission to appoint Tonielle Parizek, to work up to 29 hours per week at \$19.48 per hour up to the current salary of \$31,028.40. The effective date of the appointment is to be determined by the veterans' affairs commission. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to compensate Charles James for time worked as the acting veterans' affairs director until a replacement is hired and trained at the current wage of \$19.89 per hour. All members voting aye thereon. Motion carried.

The county attorney and Robert Spangler, Chairman of the Benton County Historic Preservation Commission, requested that funds be appropriated to the commission for training purposes and needs. Spangler stated that he has been a commissioner for a number of years but until this year he was never aware that training was required of commission members. The county attorney stated that the records of the commission are not available to the public and recommended that the board require all records be stored at the courthouse. Spangler also requested that the finances of the commission be done through the county funds and records be kept in the auditor's office enabling the documents to be available to the public. Moved by Wiley, seconded by Hertle, that the county attorney contact the commission and direct that all records and funds be turned over to the county to provide

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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for public access as the records are a public record under Iowa Code. Further, that the commission be established as a department within the county general fund and subject to the county budgeting procedure. That the county appropriate \$1000.00 for training purposes and all commission business be conducted through the county and all financial, business, meeting, and any other commission records be maintained in the auditor's office. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-47, BRIDGE EMBARGO. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-47**

WHEREAS, the structures at these locations due to load rating computations, age and design have reached the point in time where a more restricted weight limit needs to be imposed,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the following new weight restrictions be imposed and restricted as follows:

<u>BE-5250</u>	<b>3 ton</b>
	0.2 mile east of the NW corner of section 36-85-9 (Benton Township) on 61 <sup>st</sup> Street Lane.
<u>FR-2006</u>	<b>15/25/25 ton</b>
	0.6 mile south of the NW corner of section 4-83-9 (Fremont Township) on 30 <sup>th</sup> Avenue.
<u>LE-2220</u>	<b>12 ton</b>
	0.2 mile east of the NW corner of section 16-82-11 (Leroy Township) on 76 <sup>th</sup> Street.
<u>KA-4420</u>	<b>18/27/29 ton</b>
	0.4 mile east of the NW corner of section 14-83-12 (Kane Township) on 70 <sup>th</sup> Street.
<u>STC-5034</u>	<b>4 ton</b>
	0.4 mile south of the NW corner of section 24-82-10 (St Clair Township) on 28 <sup>th</sup> Avenue.

Signed this 22<sup>nd</sup> day of July 2014.

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST: \_\_\_\_\_  
Auditor

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

July 29, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of July 22, 2014. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Ann Reinberg in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns 30 acres with at least 21 acres being used for a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a hog confinement building. The board discussed at length the close proximity of the facility to residential dwellings. However, Greenlee advised that the county does not have statutory authority to regulate the facility provided it meets the requirements of the county's ordinance for a farm exemption. Supervisor Wiley stated that he is a producer himself and there are good locations and poor locations for confinement facilities. Moved by Wiley, seconded by Hertle, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the NW1/4 of Section 21-83-12, for the purposes of constructing a hog confinement facility, noting that the county cannot restrict the placement of the facility as it meets the requirements of the county's ordinance and further that the facility must meet all of the regulations set forth by the Iowa Department of Natural Resources. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Ann Reinberg in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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143.8 acres with a minimum of 21 acres being used for a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a hog confinement facility. Supervisor Wiley stated that this location was much better suited for a confinement facility that the exemption granted immediately prior to this. Moved by Wiley, seconded by Hertle, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the SE1/4 of Section 30-84-12, for the purposes of constructing a hog confinement facility. All members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested Daniel and Dawn Dietz. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 3 acres located in the SE1/4 of 28-82-10. The request is to change the classification to a single residential use. Larry Walker, an adjacent land owner, stated that he did not object to the proposal but was concerned about the construction of the driveway – adding that the drive would have to be built up to cross the drainage area to the building site. Walker stated that his farm drains through that draw and that a culvert large enough to handle the water would be necessary. Walker also stated that he has livestock in the adjacent pasture, including a bull, and has concerns about children. Supervisor Wiley reminded the applicants about the requirement to maintain fencing and encouraged them to speak with the neighbors. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 3 acres for a residential purpose on a parcel generally described as being located in the NW1/4 of Section 14-86-10. All members voting aye thereon. Motion carried.

Marlyn Jorgenson, President of the Benton Development Group, introduced Emily Upah as the new executive director of the organization.

Dean Werner, Union Township Clerk, met with the board to request a gift through the local option sales tax for the Van Horne First Responders. Werner explained that the organization had held a fundraiser and purchased a LUCAS Chest Compression System and was seeking the funds available from the county. Moved by Wiley, seconded by Hertle, to adopt Resolution #14-48, GIFTING FUNDS FOR EMERGENCY SERVICES. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-48 GIFTING FUNDS FOR EMERGENCY SERVICES**

WHEREAS, the Board of Supervisors adopted Resolution #12-36A setting forth parameters for loaning and gifting funds to emergency service providers payable through the local option sales and services tax fund; and

WHEREAS, the Van Horne First Responders (the "First Responders") have purchased a LUCAS Chest Compression System to assist the first responders by providing effective and uninterrupted chest compressions on sudden cardiac arrest patients; and

WHEREAS, the First Responders have requested that 10% of the cost be reimbursed by the county through the local option sales and services tax; and

WHEREAS, the First Responders have provided copies of invoices substantiating the purchase; and

WHEREAS, the request is within the guidelines established by the Benton County Board of Supervisors for gifts to governmental agencies from the local option sales and services fund,

THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves a gift in the amount of \$1,347.00 to the Van Horne First Responders for the purchase of a LUCAS Chest Compression System.

Dated this 29th day of July 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

Attest: \_\_\_\_\_  
Jill Marlow, County Auditor

David Koch met with the board to discuss LegalShield, a program available to employees through payroll deduction for identity theft protection services. Koch explained that add-ons are also available for other types of legal services as well at an additional cost. The cost is \$14.95 per month for the protection services. Koch asked for the opportunity to meet with county employees and present the program. Auditor Jill Marlow advised that past practice had required that there be a minimum number of employees interested before the county would offer it through payroll deduction. Marlow also advised that the county had not allowed for presentations to be done during county work hours. The board did not believe that the county should sponsor the program, stating that it was no reflection on the program but rather that it should be a personal choice made by each employee on their own time and outside of the employment relationship. The board agreed to provide information to the employees about the program through a payroll staffer provided that employees were directed to contact Koch outside of work. Koch is to provide the auditor with a payroll staffer.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-49, AMENDING BUDGET WITHIN SERVICE AREA. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-49 SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2015 budget on March 4, 2014; and

**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2015 county budget is hereby amended within the following service areas:

Service Area 6 - \$1,000. from department 54 (Sanitary Disposal) to department 35 (Historic Preservation)

**IT IS FURTHER RESOLVED** that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 29th day of July 2014.

\_\_\_\_\_  
Donald H. Frese

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Terry Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to request proposals for consulting services for updating the Benton County Multi-Jurisdictional Hazard Mitigation Plan and direct the auditor to publish the same. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the FY14 Federal Equitable Sharing Agreement and Certification. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve 24 hours of vacation carry-over requested by Rick Bramow. Said carry-over is to be used by November 1, 2014. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve a utility permit requested by East Central Iowa REC to place utility lines in the county's right-of-way in sections 31 and 34 of Polk Township, sections 3, 6, 22, 27, and 34 of Benton Township, along and/or under 29<sup>th</sup> Avenue, 32<sup>nd</sup> Avenue and 61<sup>st</sup> St. Lane and sections 12 and 13 of Canton Township along and/or under 33<sup>rd</sup> Ave. Drive and 64<sup>th</sup> Street. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve and sign the bridge plans for BROS-CO06(92) for the bridge replacement over Prairie Creek on 19<sup>th</sup> Avenue in Leroy Township. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

August 5, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present. Supervisor Hertle was absent. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Frese, to approve the minutes of July 29, 2014. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to purchase Builder's Risk Insurance from Chubb & Son and direct the chair to sign the Authorization to Bind Coverage at a cost of \$1,001.00 to cover the building project at secondary roads. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to enter into a contract with the Area Substance Abuse Council for substance abuse services at a cost of \$36.63 per day up to 30 days. The contract is for fiscal year 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to enter into a contract with Mercy Medical Center for inpatient and detoxification services for individuals committed under Iowa Code Chapter 125, at a cost of \$555.00 per day (all inclusive except psychiatrist fees)

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

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for a period of no more than five days or seven days if patient is held over a weekend or holiday. Said contract is for fiscal year 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve a Class B liquor license for Blairstown Sauerkraut Days Beer Tent. Both members voting aye thereon. Motion carried.

No action was taken on the approval of a management contract with ERBs pending receipt of additional documents.

Moved by Wiley, seconded by Frese, to enter into and direct the chair to sign a contract with Iowa Homeland Security and Emergency Management for a Hazard Mitigation Planning Grant in the amount of \$41,177.00 with \$30,882 as the federal share, \$4,117.00 as the state share and \$6,178 as the local responsibility. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve a utility permit requested by Linn County REC to place utility lines in the county's right-of-way in section 11 of Florence Township, along the south side of 75<sup>th</sup> Street. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve by board signature the bridge plans for project BROS-CO06 (95)—60-06, which is the RCB culvert replacement over Stein Creek on E22 in Monroe Township, located east of Highway 21. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve by board signature the bridge plans for project BROS-CO06 (96)—60-06, which is the RCB culvert replacement over Pratt Creek on E22 in Monroe Township. Both members voting aye thereon. Motion carried.

The engineer reported that the landfill account balance at the Blairstown bank was \$2,381.21, which was deposited with the treasurer and the account subsequently closed.

The engineer spoke to the board about future right-of-way acquisition needed in Leroy Township and Monroe Township. The engineer outlined the method for determination of the value per acre that will be offered.

The board spoke at length about the closure post-closure financial assurance required for the landfill. Currently, the financial assurance lists the county as guarantor on any shortfall in closure post closure funds. The supervisors did not believe that the county should be the sole guarantee now that the management of the facility was with the commission. The board discussed the possibility of selling the land surrounding the landfill should additional funds be needed for closure activities; however, the county attorney advised that the county would only have authority to sell the ground if the commission dissolved. The board requested that a meeting with the commission and possibly Barker Lemar be scheduled to discuss various concerns.

The county attorney presented a 28E Agreement with Tama County Regarding Delinquent Court Debt Collections for the board's consideration. The agreement provides that the Benton County Attorney will collect delinquent court obligations on the county level for the Tama County Attorney. The agreement establishes the obligations of each county and the distribution of money collected. Supervisor Wiley stated that he was not interested in adding additional staff or investing more money to accommodate the added collection duties. County Attorney Thompson stated that he has two employees who have enough time available to collect for Tama County. Thompson stated that he will not add additional staff and existing staff will not incur any overtime. Thompson reiterated that there would be no additional employee cost to Benton County. Thompson added that the agreement would provide for additional revenue to Benton County. Supervisor Wiley stated that he wanted additional time to consider the agreement as it was the first he had seen it. The matter was placed on the next agenda for consideration.

Moved by Wiley, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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August 8, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present. Supervisor Hertle was on vacation. The meeting was called to order at 2:00 p.m.

Moved by Wiley, seconded by Frese, to approve vendor checks numbered 211085 through 211330, payroll checks numbered 137680 through 137705, and ACH deposits numbered 21331 through 21464, for payment. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve the claim submitted by Tammy Wetjen-Kestersen for Decategorization services for the month of July 2014, each in the amount of \$2,851.80. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to purchase Builder's Risk Insurance from Chubb & Son and direct the chair to sign the Authorization to Bind Coverage at a cost of \$1,001.00 to cover the building project at secondary roads. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese to approve plan for tree plantings at the courthouse upon Mark Pingent's recommendations. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to adopt Resolution #14-50, TRANSFER OF FUNDS. Voting aye were Frese and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-50 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$2,973 from the General Basic fund to the CDBG Fund.

Dated this 8<sup>th</sup> day of August 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Todd A. Wiley

ATTEST:

\_\_\_\_\_  
Gina Edler, Deputy Benton County Auditor

The county attorney Dave Thompson and assistant county attorney Emily Nydle presented a 4 year 28E Agreement and Resolution with Tama County Regarding Delinquent Court Debt Collections for the board's consideration. The agreement provides that the Benton County Attorney will collect delinquent court obligations on the county level for the Tama County Attorney. The agreement establishes the obligations of each county and the distribution of money collected. Thompson stated that he will not add additional staff and existing staff will not get a big raise. Thompson reiterated that there would be no additional employee cost to Benton County. Thompson added that the agreement would provide for additional revenue to Benton County. Supervisor Wiley questioned if they would have any problems with Meskawki. Thompson stated that there are extra hoops that they would have to jump through but he has a game plan in place to deal with that. Moved by Wiley, seconded by Frese to approve 28E Agreement contract and adopt Resolution #14-51. Voting aye were Frese and Wiley. Nays none. Motion carried.

## **RESOLUTION No. 51**

### **RESOLUTION TO ENTER INTO 28E AGREEMENT WITH TAMA COUNTY REGARDING DELINQUENT COURT DEBT COLLECTIONS**

WHEREAS, Benton County and Tama County have elected to participate in the collection of delinquent court obligations on the county level; and

WHEREAS, according to the 2013 Census, the population of Benton County is 25,699 and the population of Tama County is 17,576; and

WHEREAS, under a 28E agreement, an annual delinquent collection threshold of fifty thousand dollars (\$50,000.00) would apply to the combined collections of the counties, pursuant to Iowa Code sections 602.8107(4)(c)(2)(e) and 602.8107(4)(e)(2); and

WHEREAS, by combining their efforts under a 28E Agreement, Benton County and Tama County hope to meet the required \$50,000.00 threshold in a more timely manner; and

WHEREAS, the Benton County Attorney and Tama County Attorney have discussed entering into a 28E Agreement with each other regarding delinquent court debt collections and have determined that it would be in the best interest of both counties to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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The proposal to enter into a 28E Agreement with Tama County for the collection of delinquent court debt is hereby approved and the Chairman of the Board of Supervisors for Benton County is hereby authorized to execute said 28E Agreement on behalf of Benton County.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**Benton County Board Of Supervisors**

**Attest:**

\_\_\_\_\_  
Donald H. Frese, Chairperson

\_\_\_\_\_  
Jill Marlow, County Auditor

28E Agreement for Benton and Tama County Collection  
of Delinquent Court Obligations

WHEREAS Benton County and Tama County have elected to participate in the collection of delinquent court obligations on the county level, including collections under the County Attorney payment plan for driver's license reinstatement, under Iowa Code § 321.210B; and

WHEREAS each county has filed with the Clerk of Court for their respective county the required annual notice of full commitment to collect delinquent court debt for all cases assigned to that county for collection by the court, in accordance with Iowa Code § 602.8107(4); and

WHEREAS, according to the 2013 Census, the population of Benton County is 25,699 and the population of Tama County is 17,576; and

WHEREAS, pursuant to Iowa Code §§ 602.8107(4)(c)(2)(e) and 602.8107 (4)(e)(2), an annual delinquent debt collection threshold of \$50,000.00 will apply collectively to Benton and Tama County under this 28E Agreement; and

WHEREAS Benton County and Tama County will each devote the appropriate administrative resources to comply with their obligations to collect delinquent court debt, pursuant to Iowa Code § 602.8107 and Chapter 28E; and

WHEREAS the Board of Supervisors for each County has passed a Resolution approving this Agreement and authorizing their respective Chairpersons to execute this Agreement.

IT IS THEREFORE AGREED by and between Benton County and Tama County as follows:

1. Benton County and Tama County shall share and consolidate their delinquent court debt obligation collections, pursuant to Iowa Code § 602.8107(4)(e) and Iowa Code Chapter 28E.
2. Each County shall devote the necessary time of their County Attorney and the County Attorney's staff to collect delinquent court obligations, pursuant to Iowa Code § 602.8107(4), but Benton County will provide training and assistance to Tama County in collecting monies owed in Tama County cases. This includes the use of Benton County Collection staff for preparation of documents and filings. The Tama County Attorney's Office shall make all necessary court appearances in Tama County.
3. Benton County shall remain responsible for its entire collection participation for monies owed in Benton County and will retain one hundred percent (100%) of income received in conjunction with money collected in Benton County cases and other counties excluding Tama County.
4. Each County shall provide the necessary resources, including, but not limited to, computer equipment, computer software, postage, paper, envelopes, and other office supplies to collect delinquent court obligations.
5. For the fiscal year ending June 30, 2015, the monies distributed to Tama County pursuant to Iowa Code Section 602.8107 shall be distributed sixty percent (60%) to Benton County and forty percent (40%) to Tama County. This includes the check that will be distributed in July of 2015 for collections in the month of June 2015. In each and every fiscal year beginning July 1, 2015 and thereafter this distribution shall be made fifty percent (50%) to Benton County and fifty percent (50%) to Tama County. The delinquent court obligations owed and collected in each respective county shall be accounted for separately so that said monies received from the State as a result of said collection efforts can be attributed to the appropriate respective county. Disbursements of said monies to Benton County from Tama County shall be made on a monthly basis and within ten (10) days of their receipt.
6. In the event that the Counties determine that it would be mutually beneficial to share the use of any personal property,

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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with said property to be utilized by the County Attorneys in their collection efforts, then said purchase must be approved by the Board of Supervisors for both Counties, if the total purchase price of the item, or multiple items obtained through a combined purchase, exceeds \$800.00. Each county will provide one-half of the funds for the purchase of said personal property. If said personal property is later sold, then each county shall receive one-half of the net sale proceeds from the sale of said property.

7. The County Attorneys and their respective staff members shall share information and resources which will facilitate the collection of delinquent financial obligations in the counties.
8. The annual delinquent debt collection threshold of \$50,000.00 shall apply to the combined collection efforts under this Agreement and pursuant to Iowa Code § 602.8107(4)(e)(2).
9. This Agreement shall become effective upon all parties hereto signing, and shall be effective through June 30, 2018.
10. This Agreement shall automatically renew for a period of one year under the same terms and conditions, unless either County to this Agreement gives the other County written notice of termination of this Agreement no later than May 1 of the respective fiscal year.
11. If any County elects to terminate this Agreement pursuant to Paragraph 10 above, then said County shall provide the other County and that county's County Attorney with written notice of said election to terminate this Agreement. Written notices shall be sent by certified mail to the following respective addresses:

### **Benton County Board of Supervisors**

Benton County Courthouse  
111 East 4<sup>th</sup> Street  
Vinton, IA 52349

### **Benton County Attorney**

Benton County Courthouse  
111 East 4<sup>th</sup> Street  
Vinton, IA 52349

### **Tama County Board of Supervisors**

Tama County Courthouse  
100 West High Street  
Toledo, IA 52342

### **Tama County Attorney**

Tama County Courthouse  
100 West High Street  
Toledo, IA 52342

12. If any terms or provisions of this Agreement shall be held to be invalid or unenforceable for any reason, then the remaining terms and provisions shall continue to remain in full force and effect. If a court finds that any term or provision of this Agreement is invalid or unenforceable, but that such term or provision could be limited and thereby be considered valid and enforceable, then such term or provision shall be deemed to be written, construed, and enforced in accordance with said limitation.
13. This Agreement is the complete agreement between the parties. Any amendment to this Agreement must be made in writing and must be approved by the Board of Supervisors for each County before going into effect. Any amendment made shall also require the approval of the County Attorney for each County.

Entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman  
Benton County Board of Supervisors



## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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STATE OF IOWA, COUNTY OF BENTON, SS:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a notary public in and for Benton County, Iowa, personally appeared Donald H. Frese, chairman of the Board of Supervisors of Benton County, Iowa, to me known to be the person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed and on behalf of Benton County, Iowa.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

\_\_\_\_\_, Chairman  
Tama County Board of Supervisors

STATE OF IOWA, COUNTY OF TAMA, SS:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a notary public in and for Tama County, Iowa, personally appeared \_\_\_\_\_, chairman of the Board of Supervisors of Tama County, Iowa, to me known to be the person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed and on behalf of Tama County, Iowa.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

Board discussed approving a handwrite check for the Courthouse Clock Tower. County Attorney Thompson stated the contractor, Smith's Bell and Clock, requires 50% of payment upfront and 50% payment after the work is done. The contractor is looking at having the clock removed at the end of August; he will seal the tower back up until the clock is installed back by hopefully the end of October. Thompson stated the contract has been approved by the board prior. Deputy Auditor, Gina Edler, questioned if the contract was fully signed for the Auditor's office to have a paper trail for the handwrite check. Thompson stated he is waiting on one signature then the contract will be complete. Moved by Wiley, seconded by Frese to approve the handwrite check for \$22,963.00 pending the contract is signed and complete from all parties involved. Both members voting aye thereon. Motion carried. Moved by Wiley, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_  
Gina Edler, Deputy Auditor

August 19, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Hertle, Frese and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to set September 16, 2014, at 9:30 a.m., as the time and date for a hearing on a land use change requested by Dwight & Bonnie Sanders on a parcel located in the NE1/4 NW 1/4 of 33-85-9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set September 16, 2014, at 9:45 a.m., as the time and date for a hearing on a land use change requested by James Osborn III on a parcel located in the SE1/4 SE 1/4 of 21-85-9. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Neal Siela. The applicant is involved in the family cattle operation on land owned by Wayne & Linda Siela. Moved by Wiley, seconded by Hertle, to approve a farm exemption as authorized in the Benton County Agricultural Land Use Preservation Ordinance for the purpose of constructing a residence on a parcel described as being a part of the W1/2 of the NW1/4 and W1/2 SW 1/4 of Section 6-85-10. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Marc Greenlee, Land Use Administrator, presented the Final Plat of Irene and Sylvester Kahle's Addition, to Benton County, Iowa, containing one lot. Greenlee has reviewed the documents submitted and found them to be in compliance with the county's regulations. There were no questions or comments heard. Moved by Hertle, seconded by Wiley, to adopt Resolution #14-52, RESOLUTION ACCEPTING AND APPROVING THE IRENE AND SYLVESTER KAHLE'S ADDITION FINAL PLAT TO BENTON COUNTY, IOWA. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-52**

### **RESOLUTION ACCEPTING AND APPROVING THE "IRENE AND SYLVESTER KAHLE'S ADDITION" FINAL PLAT, TO BENTON COUNTY, IOWA**

**WHEREAS**, A final Plat of Irene and Sylvester Kahle's Addition to Benton County, Iowa, containing one (1) lot, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Irene and Sylvester Kahle's Addition is a subdivision of that portion of the west one half of the east one half of the southeast one quarter (W ½ E ½ SE ¼) in section twenty-eight (28), township eighty-two north (28N), range ten west (R10W) of the fifth principal meridian, Benton County, Iowa.

**WHEREAS**, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

**WHEREAS**, the Benton County Board of Supervisors find that the Final Plat of Irene and Sylvester Kahle's Addition would be advantageous to Benton County, Iowa, and

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that said Final Plat of Irene and Sylvester Kahle's Addition to Benton County, Iowa, will be the same and hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
2. Any new private on-site sewage treatment system will be constructed with the approval of Benton County Health Department.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the Benton County Board of Supervisors that said board, on May 5, 2014, with Resolution 14-32 at the request of James Kahle, Subdivider, did grant a variance waiving all requirements except the following items regarding the submission of the "Irene and Sylvester Kahle's Addition" Final Plat:

Article VI: 6:04 Requirements of the Final Plat

Article VI: 6:05 Attachment to the Final Plat

Article VI: 6:06 Procedure for Review & Approval of the Final Plat

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided by law.

ADOPTED AND PASSED this \_\_\_\_ day of August, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

\_\_\_\_\_  
Jill Marlow, Benton County Auditor by Gina Edler, Deputy

Minutes were corrected and approved as presented. Moved by Wiley, seconded by Hertle, to approve the minutes of August 8, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to approve the purchase of a laptop computer for the social services department from Erb's at a price of \$1,494.50. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to approve the Veterans' Affairs quarterly report for the period ending June 30, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to sign and enter into the Managed Services Agreement between Benton County and ERB's, with the stipulation that the agreement is for one year and is at a monthly fee of \$2,843.50. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson presented a contract from Smith Bell and Clock for the repair of the courthouse clock. Thompson stated that the contractor is going to be removing the clock on August 20, 2014, and plans to return it before it gets cold in approximately 8-12 weeks. The contractor has an anticipated date of late October to have the clock returned. Deputy Auditor Gina Edler questioned whether or not the contractor was made aware of the General Election on November 4<sup>th</sup> and if he can be told not to install the clock that week. Thompson stated he will mention it to the contractor. Supervisor Wiley stated the agreement was not very well written, due to typographical errors, size of glass is incorrect and incorrect pricing options. Thompson replied that just because there are typographical errors in the contract it did not mean that the contract was not very well written. Wiley stated he was concerned that the fine print contradicted the 10-year extended warranty language contained in Section 8. Supervisor Frese stated he believed it would be a good idea to have an extended warranty on the clock. Wiley stated he supported the project but not the contract. Thompson stated let's make the contract accurate and have it signed with the Board's full support. Wiley stated that he would sign it if the corrections were made and that the contractor would not install the clock the week of the General Election.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Thompson stated the election was on Tuesday and that a whole week taken out for installation should not be necessary. Wiley responded that the contractor should not be allowed to install the clock on November 3<sup>rd</sup> or 4<sup>th</sup> (Monday and Tuesday) at the very least. Thompson corrected the errors in the contract and Supervisor Frese initialed the corrections and stated he would have JJ Smith with Smith Bell and Clock initial the corrections when he gets the clock. The warranty language was not changed in the contract. Moved by Hertle, seconded by Wiley to approve the contract for the courthouse clock repair at a cost of \$45,926.00. All members voting aye thereon. Motion carried.

Thompson stated that he was required by REAP to display a sign prominently for three years as a stipulation for receiving grant funds for the courthouse clock. Moved by Hertle, seconded by Wiley, to display sign for three years by handicap accessible signs. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Keystone Farmers Cooperative Telephone Company to place utility lines in the county's right-of-way in Monroe, Jackson, Homer, Big Grove and Kane Townships. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in sections 21 and 16 of Kane Township. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-53, JOB CLASSIFICATION CHANGE FOR ALAN JACKSON. Voting aye were Frese, Hertle and Wiley. Nays none. Motion carried.

### **RESOLUTION 14-53**

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and

WHEREAS: Upon the completion of the probationary period the base wage is to be increased from the starting wage

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Alan Jackson be set at \$18.81 effective August 10, 2014. This position carries a Labor Grade VB classification.

Signed this 19<sup>th</sup> day of August, 2014.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
Benton County Auditor

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-54, JOB CLASSIFICATION CHANGE FOR JEFF BAHR. Voting aye were Frese, Hertle and Wiley. Nays none. Motion carried.

### **RESOLUTION 14-54**

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and

WHEREAS: Upon the completion of the probationary period the base wage is to be increased from the starting wage

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Jeff Bahr is set at \$18.81 effective August 18, 2014. This position carries a Labor Grade IIIB classification.

Signed this 19<sup>th</sup> day of August, 2014.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_  
Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve 56 hours of vacation carry-over requested by Pam Gorsch. Said carry-over is to be used no later than December 1, 2014. All members voting aye thereon. Motion carried.

Brian Rath with Barker LeMar and Myron Parizek spoke with the board regarding the Iowa Department of Natural Resources (DNR) financial assurance for the closure of the landfill. Rath stated that the Benton County has used the Local Government Financial Test to assure closure/post closure care costs. Now that the landfill is operated by a 28E commission, the Local Government Financial Test is no longer valid and another mechanism will be required. The board discussed other mechanisms such as trust funds, surety bonds, letter of credit and local government guarantee. Supervisor Wiley questioned what would happen if the commission dissolves. Supervisor Hertle stated it's hard to believe that the landfill will default and added that the supervisors can't let that happen. Hertle added that until the commission is up and running that the supervisors are still involved with the landfill and that it is the responsibility of the supervisors to get it up and running. A financial assurance by the county of \$561,545.00 will meet the financial test. Moved Hertle, seconded by Wiley, to provide a Local Government Guarantee in the amount

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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of \$561,545.00 to the Iowa DNR for required financial assurance. Voting aye were Frese, Hertle and Wiley. Nays none. Motion carried.

Benton County Sheriff Randall Forsyth discussed vacation payout for Michael Merino with the board. Forsyth stated that in the handbook it can only be paid out with the approval of the department head and Board of Supervisors. Merino has been off work since December 1, 2013. Moved by Wiley, seconded by Hertle, to approve vacation payout for 144 hours to Michael Merino. All members voting aye thereon. Motion carried.

The Board did not take action on the panning type and painting the exterior wood trim relative to the Courthouse Window Replacement Project. It was put on next week's agenda.

Don Frese updated the board on the DOT meeting. He said the meeting went well. He is thinking it will help Benton County if they get together with Tama County and Economic Development to show the DOT how beneficial the Hwy 30 project will be to other adjoining counties.

Todd Wiley updated the board on hot air balloon rides being sponsored by Benton County Conservation. He stated that the rides are supposed to begin on August 23 and as of today they have had no response on licensing and insurance from the hot air balloon company. There is concern that this could bring the county into a lawsuit since conservation was on the advertisement. He is working with the conservation director and the auditor's office to see what can be done regarding this.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Gina Edler, Deputy Auditor

August 26, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of August 19, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 211331 through 211504, payroll checks numbered 137706 through 137748, and ACH deposits numbered 21465 through 21735, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the change in employment status of Kelly Roy from part-time to full-time communication specialist with the sheriff's department, effective August 29, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the resignation of Niles Bierschenk from the transportation department effective August 21, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the closing of 26<sup>th</sup> Avenue between 2<sup>nd</sup> Street and Railroad Street in Watkins on September 6, 2014, for the Watkins Car Show. All members voting aye thereon. Motion carried.

Toni Parizek, Veterans Affairs Director, met with the Board to discuss the procedures for food provision assistance to veterans. Parizek stated that she meets with the veteran to discuss their needs and together they determine the amount of food assistance required. Parizek then provides the veteran with a voucher to be used at a local grocery store. The grocery store then bills the county at the end of each month. Parizek stated that she can review the types of products purchased by the veteran to ensure proper use.

Moved by Hertle, seconded by Wiley, to approve the purchase of right-of-way from the Leah Mae Petersen Revocable Trust: .21 acre of permanent easement and .15 acre of temporary easement located in the SW1/4 of 26-85-12 at a total price of \$1,450.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the purchase of right-of-way from Wade A. Wilson: .21 acre of permanent easement and .12 acre of temporary easement located in the SE1/4 of 30-85-12 at a total price of \$1,562.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to add historic panning to the courthouse window project, at an additional cost of \$21,400.00. Additionally, a four week project extension is approved due to the change in panning. Sealant is to be changed to silicone to accommodate cold weather application at no additional charge. All members voting aye thereon. Motion carried. A formal change order will be prepared and presented at a later date.

The board discussed painting the exterior wood around the courthouse doors versus staining/sealing, which is a part of the courthouse window replacement project. The contractor has stated that they will only paint the surface and if staining and sealing is to be done a separate contractor will have to be secured for that portion of the project. Architects Ruden and Fassbinder of IIW have recommended that paint be applied due to the condition of the wood and future maintenance. The board discussed the issue and determined that the contract (to paint) should remain unchanged. Ruden and Fassbinder also showed the board examples of the bronze tinted glass to be used in the new windows.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

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Don Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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September 3, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of August 26, 2014. All members voting aye thereon. Motion carried.

County Attorney David Thompson and Assistant County Attorney Emily Nydle met with the board to discuss the courthouse clock project. Thompson stated the task force wants the board to approve the Scope of Work they have in place for the clock project so they don't have to come back every week for a decision. The clock table platform needs to be stabilized. They do not want to retract from the Historical preservation of the project but the platform need to be solid before Scott Hansen works on the bell. Thompson stated he also has a contract that he is wanting the board to approve, with Advanced Environmental to remove bird and bat waste in the bell tower, clock area and dome of the courthouse. The cupola has no light; there are 3 noticeable holes, maybe from lightning strikes. They may be big enough a bat; could get it. Supervisor Frese asked if they could fix the holes. Thompson responded that the holes are up high and small, a different outfit would have to do that. Advanced Environmental contract is for up to \$6,800.00 for the clean-up and sterilization of the cupola down to the stairs into the clock, they work by the hour so it may be lower when done. The task force has the money to pay for the cleanup; the task force is asking the board's permission since it is their building. Frese asked if they could have someone fix the holes at the same time. Supervisor Hertle stated he thinks the county should be responsible to repair the holes. Thompson is going talk to the auditor about fixing the cupola. Thompson stated he wants the platform that is stabilizing the clock table colors to match what was put there by E. Howard. Moved by Hertle, seconded by Wiley to approve the contract with Advanced Environmental for material removal, to approve the Scope of Work to stabilize the clock table, approve to paint the support and to light the clock tower. All members voting aye thereon. Motion carried.

Board discussed paint options for the courthouse window project. Board talked to Rick Bramow, Maintenance Director and directed Bramow to talk to IIW and match the paint to the paint the maintenance department had stored in the basement.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_

Gina Edler, Deputy Auditor

September 9, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of September 3, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 211505 through 211689, payroll checks numbered 137749 through 137772, and ACH deposits numbered 21736 through 21868, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve DECAT administration claim for August 2014 services in the amount of \$2851.80. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the maintenance department to dispose of the marble that has been stored at the sheriff's office. All members voting aye thereon. Motion carried.

Norman Sackett met with the Board and Engineer Myron Parizek to discuss the bridges on E22 in Monroe Township and on D66 in Polk Township. The Engineer informed him that these bridges were on the list to be repaired next season. Norman asked about the road repair of W26 south of Urbana, W66 East of Urbana, and 58<sup>th</sup> Street Drive going to Big Timber. The engineer explained that these roads were on the five year plan for repair and that he would look into the scheduling of their maintenance.

Moved by Wiley, seconded by Hertle, to approve two utility permits requested by Farmers Mutual Telephone Company to place utility lines in the county's right-of-way in Section 34 Benton Township along 32<sup>nd</sup> Avenue and in Section 24 Benton Township along 59<sup>th</sup> Street Trail. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize chairman to sign final Iowa Department of Transportation Contract Construction Progress Vouchers for box culverts west of Van Horne on highway E44 (FM-CO06(89)—55-06 in the amount of \$8,842.36 and (FM-CO06(90)—55-06 in the amount of \$9,324.73. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the purchase of right-of-way from the Robert C. Knupp Residuary Trust: .13 acre of permanent easement and .11 acre of temporary easement located in the NW1/4 of 35-85-12 at a total price of \$946.00. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the purchase of right-of-way from Michael L and Amy L. Knupp: .1 acre of permanent easement located in the NW1/4 of 35-85-12 at a total price of \$1,100.00. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the purchase of right-of-way from Rick K. and Cindy A. Nolan: 1.11 acre of permanent easement and .3 acres of temporary easement located in the NW1/4 of 35-85-12 at a total price of \$10,884.00. All members voting aye thereon. Motion carried.

Terry Hertle updated the other Board members about the progress at the landfill and the tipping fees. Everything seems to be running smooth. Terry, John Watson, and David Becker took a tour of the landfill to observe any improvements that needed attention.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_

Brenda Sutton, Deputy Auditor

September 16, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of September 9, 2014. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, the board proceeded with opening the bids received for consulting services to update the Benton County Multi-Jurisdictional Hazard Mitigation Plan. There were five bids received as follows:

East Central Iowa Council of Governments - \$34,999 + \$6,178 local match = \$41,177

Louis Berger - \$37,995

AMEC - \$51,800

Sandra Cox - \$33,000 + \$5,825 local match = \$38,825

Steve Meyer - \$33,949 + \$5,993 local match = \$39,942

The Board asked Scott Hansen, EMA Director, to review the bids for comparison and compliance with the Request for Proposals. Hansen is to provide a review at the next board meeting at which time the board will award the project.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Dwight & Bonnie Sanders. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 2 acres located on Parcel A in the NE1/4 of the NW1/4 of 33-85-9. The parcel currently has a residence on it; however the authority to have the residence was based on a farm exemption. The applicants intend to split the residence off from the original parcel and therefore a land use change is now required. The driveway, septic, and well are existing and in compliance with the county's regulations. Hearing no comment, it was moved by Hertle, seconded by Wiley, to approve the request for a land use change from agricultural to non-agricultural on approximately 2 acres for a residential purpose on Parcel A located in the NE1/4 of the NW1/4 of 33-85-9. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, the board opened the public hearing on a land use change requested by James Osborn III and Brein Osborn. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the SE1/4 of the SE1/4 of 21-85-9. The request is to change the classification to a single residential use. A septic will be needed for the residence and may be a non-traditional system due to soil type. The existing well will be shared with another residence. The proposed driveway meets Benton County's requirements. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a residential purpose on a parcel generally described as being located in the SE1/4 of the SE1/4 of 21-85-9. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by James and Darlene O'Brian in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns 170 acres and currently farms it in a corn/soybean rotation with some conservation reserve program acres. The applicant is requesting a farm exemption to allow for a single-family residence. Moved by Hertle, seconded by Wiley, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the NE1/4 of the SE1/4 of Section 33-85-9, for the purposes of constructing a single-family residence. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into and direct the chair to sign the Business Association Agreement between Benton County and ERB's. The agreement is a requirement under the federal Health Insurance Portability and Accountability Act. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into and direct the chair to sign the Software License Agreement with Spinutech relative to the development and maintenance of a county website. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by ECI REC to place utility lines in the county's right-of-way at the intersection of 31<sup>st</sup> Avenue and 64<sup>th</sup> Street. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to sign the final Iowa Department of Transportation Contract Construction Progress Voucher in the amount of \$10,039.21 for the HMA resurfacing project #FM-CO06(81)—55-06 on V61 north of Mt. Auburn. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to sign the final Iowa Department of Transportation Contract Construction Progress Voucher in the amount of \$31,834.22 for the HMA resurfacing project #FM-CO06(82)—55-06 on V71 south of Brandon. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve and direct the chair to sign the Digital Imaging Agreement between Benton County and FamilySearch International, a non-profit corporation, for the digital imaging of county records. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve Change Order #1 to the contract between Benton County and Zephyr Aluminum for the courthouse window replacement project. The change order is to add decorative panning to the windows at an additional cost of \$21,400.00 and extends the project deadline to December 19, 2014. The total contract price is now \$385,750.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the auditor to disburse the remaining funds in the Sanitary Landfill fund in the amount of \$45,429.57. The disbursement is to be made during the next regular payment of county claims. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the proposal submitted by Jensen Wall Systems to demolish the current display room and construct a new display area on the first floor of the courthouse beneath the stairwell at a cost of \$7,383.00. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to approve the proposal submitted by Jensen Wall Systems to repair moisture damage in the juvenile probation office at a cost of \$600.00. All members voting aye thereon. Motion carried. The board spoke with maintenance staff about measures that could be taken to eliminate the recurring moisture problem.

Moved by Wiley, seconded by Hertle, to approve the county's Tax Increment Finance Report for FY14. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to designate Chairman Don Frese as the county's negotiator for labor contracts and designate Supervisor Wiley as the alternate. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept with regret the resignation of Harry Ruth from the Benton Development Group Board of Directors. Ruth is moving out of Benton County. All members voting aye thereon. Motion carried.

The board reviewed the safety inspection report prepared by the county's insurance carrier relative to secondary roads' main facility. The board discussed the corrective actions needed to be taken with the engineer. The engineer advised that some issues have already been resolved and that he would continue addressing those still remaining.

Sheriff Forsyth requested direction from the board as to the purchase of additional squad cars. Forsyth stated that he is just now receiving the vehicles that were ordered six months ago and that he is negotiating with the vendor to obtain 2015 vehicles instead of the 2014 vehicles at the 2014 price due to the delay in delivery. Forsyth requested direction as to future purchases budgeted for the current year. The board advised that if Forsyth could obtain additional 2015 vehicles from the vendor at the 2014 price then he should purchase them now.

The auditor spoke with the board about a possible art donation by the Vinton Art Guild. The Guild would like to donate a painting of the courthouse that was done by a local artist. Discussion about the creation of the policy regarding donations was held; however the board believed that due to the small number of donations received in the past that a policy may not be necessary at this time, but that each donation would be considered on a case-by-case basis. The board stated that they would have sole authority as to acceptance of any artwork, its placement on county property, the duration of display, and the sole discretion and authority as to retainage or ultimate disposal of the art. Overall, the board was enthusiastic and receptive to artwork being donated to the county with the understanding that it became the property of the county.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

September 23, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to set October 21, 2014, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Byron Walker on a parcel located in a part of the SE1/4 of 3-86-9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the minutes of September 16, 2014. All members voting aye thereon. Motion carried.

Veterans Affairs Director Toni Parizek spoke with the board about purchasing personal apparel that she could wear so that people would know who she was when she was in the public. Parizek stated that the estimated cost was \$300 for polo shirts with the veterans' affairs logo. The board discussed the potential impact of setting a precedent of purchasing clothing for employees. The board was not supportive of purchasing clothing for personal use and Supervisor Wiley suggested that Parizek purchase a name badge that could be worn.

Jerry Petermeier and Jim Hyde representing the Cedar Valley Ranch met with the board regarding replacement of the fire alarm system at their facility. A proposal was presented from Proshield Fire & Security. The board discussed who was responsible for the cost to replace the system and ultimately decided that the lease agreement was unclear. Supervisor Wiley advised that the county's insurance carrier was requiring a minimum of \$3,000,000 of insurance coverage and the current agreement only requires a minimum of \$1,000,000. The board stated that the lease agreement will probably need to be revisited, but requested that Petermeier and Hyde obtain one or two more quotes before a decision is made.

Moved by Wiley, seconded by Hertle, to renew the contract between Benton County and TMS for Medicaid reimbursed transportation services, for the period October 1, 2014 through September 30, 2015. All members voting aye thereon. Motion carried.

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Wiley, to adopt Resolution #14-54A, AUTHORIZING THE BENTON COUNTY TREASURER TO SIGN ACH AGREEMENTS FOR 2014. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.  
Resolution #14-54A

### **AUTHORIZING THE BENTON COUNTY TREASURER TO SIGN ACH AGREEMENTS FOR 2014**

**Whereas:** Iowa Code 331.552(29) sets forth the treasurer's duties relative to the issuance of direct deposits of tax revenue, special assessments, and other moneys collected for each tax-certifying or tax-levying public agency in the county; and  
**Whereas:** Benton County conducts part of this activity through the use of ACH deposits and other electronic means; and  
**Whereas:** It is necessary for the treasurer to have the authority to execute agreements on behalf of Benton County when necessary to allow the use of electronic banking, including but not limited to ACH deposits, and other financial activities; and  
**IT IS RESOLVED** that the Benton County Treasurer and/or her designee is hereby authorized to execute all necessary agreements on behalf of Benton County for the purpose of ACH deposits and other financial activities of Benton County.  
**IT IS RESOLVED** that this authority may be amended from time to time by resolution of the Board of Supervisors.  
**IT IS RESOLVED** that the authority is granted beginning this date and shall remain in effect until revoked by the Benton County Board of Supervisors.

Signed this 23rd day of September, 2014.

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Donald H Frese, Chairman

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Terry Hertle

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Todd Wiley

Attest:

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Jill Marlow, Benton County Auditor

The auditor reviewed the five proposals received for consulting services for updating the county's hazard mitigation plan. The auditor provided a bid review as follows:

AMEC - \$51,800 – high bid

Louis Berger - \$37,995 – low bid – did not include the schools in their proposal and therefore did not meet bid specifications  
Cox - \$33,000 (5,835 local match) – project completion is 18 months from October 1, 2014, putting submission in March 2016. Bid specifications required February 2016 submission to FEMA and therefore did not meet bid specifications.

Meyer Consulting- \$33,949 (\$5,993 local match) – requires county to provide GIS services

ECICOG - \$34,999 (\$6,178 local match)

The auditor noted that Meyer's proposal was based on the county providing the GIS services; however after contacting other counties she has determined that her department does not have the amount of time needed to devote solely to the project due to other office responsibilities. Meyer requested time to research the cost for GIS services and determine if he could absorb those costs. Moved by Hertle, seconded by Wiley, to table award of the Hazard Mitigation Plan update to allow Meyer Consulting time to determine if he can absorb the costs for GIS services within the bid submitted. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-55, CREATING A FUND FOR HISTORIC PRESERVATION. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-55**

#### **CREATING A FUND FOR HISTORIC PRESERVATION**

WHEREAS, Benton County receives donations for historical preservation purposes; and

WHEREAS, many donations are made with the understanding that the funds will be accounted for and kept separate from the county's general operating fund; and

WHEREAS, the Board of Supervisors agrees that a fund should be created for the purpose of accounting for donations of this type; and

WHEREAS, the receipts are not allocated by law, regulation, or contractual agreement to some other fund,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a separate fund be created for the purposes of accounting for donations made for historic preservation purposes.

FURTHER, the fund is titled HISTORIC PRESERVATION FUND and is established as a sub fund or "other" fund of the county's general fund as set forth in the Uniform Chart of Accounts for Iowa County Governments.

Dated this 23<sup>rd</sup> day of September 2014

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Donald H Frese, Chairman

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Terry Hertle

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Todd Wiley

Attest:

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Jill Marlow, Benton County Auditor



## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-56, AMEND BUDGET WITHIN SERVICE AREA. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-56**

#### **SERVICE AREA BUDGET AMENDMENT**

**WHEREAS**, the Benton County Board of Supervisors adopted the FY2015 budget on March 4, 2014; and

**WHEREAS**, the Board now desires to amend said budget within a service area to reallocate funds;

**NOW, THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors that the FY2015 county budget is hereby amended within the following service areas:

Service Area 6 - \$70,000 from department 54 (Sanitary Disposal) to department 35 (Historic Preservation)

Service Area 6 - \$2,972 from department 54 (Sanitary Disposal) to department 99 (CDBG)

Transfers In/Out – General Basic to CDBG - \$2,972

**IT IS FURTHER RESOLVED** that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 23rd day of September 2014.

\_\_\_\_\_  
Donald H. Frese

\_\_\_\_\_  
Terry Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve checks numbered 211690 through 211844, payroll numbered 137773 through 137787, and ACH deposits numbered 21869 through 22000, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in Eldorado Sections 17 and 18, under 70<sup>th</sup> Street, east of Van Horne. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve and enter into a purchase agreement with Mildred Jones for .93 acre for permanent and .36 acre for a temporary easement located in the NE1/4 of 16-82-11 at a total cost of \$8,322.00. All members voting aye thereon. Motion carried. The purchase is needed for project BROS-CO06(92)—5F-06 & BROS-CO06(88)—8J-06.

Moved by Wiley, seconded by Hertle, to approve and enter into a purchase agreement with Lola Lutz for .03 acre of permanent easement located in the SE1/4 of 28-85-10 at a total cost of \$395, which includes \$200 fencing. All members voting aye thereon. Motion carried. The purchase is needed for project BROS-CO06(92)—5F-06 & BROS-CO06(88)—8J-06.

Moved by Hertle, seconded by Wiley, to approve and enter into a purchase agreement with James A. Merchant & Teresa M. Merchant for .31 acre of permanent easement located in SE1/4 of 28-85-10 at a total cost of \$2,015.00. All members voting aye thereon. Motion carried. The purchase is needed for project BROS-CO06(92)—5F-06 & BROS-CO06(88)—8J-06.

The supervisors spoke about security measures for county employees and the public accessing county services. Officers present included Marc Greenlee, Justin Birker, Carol Zander, Larry Andreessen, Kelly Geater, David Thompson and Emily Nydle. Supervisor Hertle stated that he had spoken with several offices about current security measures and their concerns, if any. County Attorney David Thompson stopped the discussion and advised that the county should go into closed session to discuss security matters and that a closed session is allowed to discuss law enforcement matters. Supervisors Frese and Wiley stated that they did not intend to go into closed session today but rather to discuss the security of facilities in general and not specifics. Supervisor Hertle was not opposed to a closed session. The county attorney wanted it on the record that he advised the board to go into closed session. Chairman Frese again stated that he did not intend to go into closed session at this time and this was simply a general discussion. Supervisor Wiley proceeded stating that he understood that a metal detector was available should the board decide to go that route – adding that discussing the use of a metal detector would be apparent to the public if implemented and therefore discussing it in open session would not jeopardize the county's security procedures. The county attorney stated that he was not going to participate and exited the meeting. The board heard comments from county employees that security measures should not restrict the hours that offices can conduct business. The board asked those present whether they believed additional security needed to be implemented or if they were comfortable with the current security. The majority believed that the current security with possible modifications would provide a safe environment. The board advised that a closed session would be held on October 7<sup>th</sup> to discuss more specific details about security.

Mark Fassbinder of IIW the architect for the courthouse window project. Fassbinder spoke to the board about the condition of the wood around the entrance windows. The wood frames have deteriorated and need to be repaired or totally replaced. Fassbinder recommended repair due to the historical significance of the building. The board agreed that the wood should be repaired.

Fassbinder also spoke to the board about the tinting of the windows. The board had originally authorized a bronze tinted window; however since not all clear glass was being replaced the matter was being revisited. Moved by Hertle, seconded by Wiley, to install clear glass windows to more accurately maintain the historical integrity of the courthouse. All members voting aye thereon. Motion carried.

Fassbinder also spoke to the board about authorizing repairs as the project goes forward. Fassbinder stated that unforeseen repairs may be needed as the current windows are removed. Fassbinder requested direction as to whether all repairs would need board approval or as the county's project architect if he could authorize the repairs. The board discussed the issue and that potential for delay of the project if all repairs had to be approved by the board of supervisors. The board instructed that he could Fassbinder authorize the repairs, as needed, within the contingency funds included in the project.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

September 30, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of September 23, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-56, ABATEMENT OF TAX. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-56 ABATEMENT OF TAX**

Whereas, the City of Atkins received tax bills for parcels number 020-30500 and 010-06980 for tax assessment year 2013; and

WHEREAS, the City has failed to pay the tax and has requested that the tax be abated in full; and

WHEREAS, Iowa Code 445.63 states, "When taxes are owing against a parcel owned or claimed by the state or a political subdivision of this state and the taxes were owing before the parcel was acquired by the state or a political subdivision of this state, the county treasurer shall give notice to the appropriate governing body which shall pay the amount of the taxes due. If the governing body fails to immediately pay the taxes due, the board of supervisors shall abate all of the taxes.

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all tax for assessment year 2013 on parcels 010-06980 and 020-30500 is hereby abated in full.

Dated this 30th day of September 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-57, HIRE OF ALISHA TRUAX. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-57**

WHEREAS, the Benton County Secondary Roads Department has a need to fill an office position (part-time) in the county engineer's office, and

WHEREAS, this position has been entitled the Office Assistant, and

WHEREAS, the County Engineer has narrowed the applicants to one,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Alisha Truax be hired to fill the position at a wage of \$10.85 per hour with a starting date of September 22, 2014.

Signed this 30<sup>th</sup> day of September, 2014.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_

Benton County Auditor

The engineer spoke to the board about grant funds available for integrated roadside vegetation management (IRVM) activities. The engineer stated that his department would like to apply for grant funds to purchase a Harley Rake, Canon EOS digital camera, Kestrel pocket wind meter, Ground Shark 60" brush cutter, Polaris Ranger, and Pest Control skid sprayer. The total cost of the items is \$30,402 with \$21,905.50 being paid with grant funds and \$8,497.39 being paid with secondary road funds. The engineer also requested authority to sign the grant agreements on behalf of Benton County.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14 -58, AUTHORIZING ENGINEER TO SIGN AND EXECUTE IRVM PROJECT DEVELOPMENT AGREEMENTS. Voting aye were Frese, Hertle, Wiley. Nays none. Motion carried.

## **RESOLUTION #14-58**

WHEREAS, the Benton County Secondary Roads Department has applied for Fiscal Year (FY) 2015 Living Roadway Trust Funds for equipment, attachments and supplies, and

WHEREAS, this equipment, attachments and supplies will make the local IRVM program more effective, and

WHEREAS, the IDOT has approved for funding up \$21,905.50 for the six (6) applications submitted, and

WHEREAS, the IDOT has prepared six (6) project development agreements,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that these six (6) project development agreements be approved, and

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that County Engineer, Myron L Parizek be authorized to sign and execute these six (6) project development agreements.

Signed this 30<sup>th</sup> day of September, 2014.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: \_\_\_\_\_

Benton County Auditor

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-59, TRANSFER OF FUNDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-59 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that \$2,084.79 be transferred from the General Basic Fund to the Historic Preservation Fund.

The auditor is authorized to adjust the budget to reflect this action.

Dated this 30th day of September 2014.

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Donald H. Frese, Chairman

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Terry L. Hertle

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Todd A. Wiley

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to change the county's phone service from Century Link to USA Communications for the telephone service within the courthouse except for the county attorney and clerk of court. All members voting aye thereon. Motion carried.

Steve Meyer met with the board regarding the proposal he submitted for updating the Benton County Multi-Jurisdictional Hazard Mitigation Plan. Meyer's proposal was the lowest of the proposals submitted that met the requirements of the request for proposals. However, Meyer had initially planned on the county auditor's office to provide all geographical information services (GIS). The auditor had stated at a previous meeting, that her office did not have the time to provide the needed documents. The board then allowed Meyer additional time to determine if he could still honor his proposal. Meyer reported to the board that he had checked with vendors who could provide the GIS services but that they were too cost prohibitive. Meyer stated that the plan did not require the documents and therefore he was honoring his original proposal with the understanding that he was not going to provide the GIS documentation. Meyer stated that it would be up to FEMA as to whether they would accept the updated plan. Supervisor Wiley questioned what would happen if FEMA did not accept the plan. Meyer stated he was required to submit a plan that would be accepted by FEMA and that he would have to continue working on the plan until that was accomplished. Supervisor Hertle stated that he would like to award the project to a local vendor and moved to award the project to update the Benton County Multi-Jurisdictional Hazard Mitigation Plan to Meyer Consulting at a cost of \$33,949 (\$5,993 local match). Wiley seconded the motion. All members voting aye thereon. Motion carried.

The Board discussed the county's employee handbook. Supervisor Wiley stated that when he received the handbook, it included numerous amendments along with the original document. Wiley stated that he believes that the handbook needs updating to incorporate the amendments and that it should be reviewed for legal compliance. Wiley added that it was not his intention to change current policy when he asked to put the matter on the agenda. Supervisor Frese commented that it had been brought up before that the handbook needed to be updated. Hertle stated he was not aware that the matter was going to be on the board's agenda. Auditor Marlow responded that Wiley had stated at the previous board meeting that he wanted the matter placed on the next agenda. The county attorney stated that any review should be done by a committee. Supervisor Hertle agreed that a committee should be created to review the handbook. Auditor Marlow questioned what the committee was to do – if the intent was just to review the handbook for legal compliance then that would fall upon legal counsel, but if the board is requesting that the handbook have benefits and policies changes then a committee should review it. Supervisor Wiley stated that the handbook should be reviewed for legal compliance first and then possibly benefit changes at a later date and reiterated that he did not intend for the review to be a benefit change at this time. Wiley asked the auditor if she would be involved in reviewing the handbook or if she would serve on the committee as he believed she and her office had the working knowledge of the handbook. Marlow stated that she would not as she and her office were too busy at this time with the general election. County Attorney Thompson stated he would create and head up a committee to review the manual for changes. *Emergency Management Coordinator Scott Hansen volunteered to serve on the committee (amended into minutes)*. Hertle agreed that a committee should be formed to review the handbook and that any department head that doesn't have time to participate should be kept up-to-date of any discussion. Supervisor Wiley volunteered to serve on the committee; however Supervisor Hertle opposed Wiley serving on the committee stating that it should be the chairman of the board. Moved by Hertle, seconded by Frese, to move forward on reviewing the county employee handbook and that a committee be formed to accomplish the task. The county attorney is to seek committee members from each department and that if departments are not represented on the committee then it is the responsibility of the committee to keep those departments updated on all discussions. Supervisor Frese is appointed as the board's representative on the committee. Voting aye were Frese and Hertle. Wiley voting nay. Motion carried. The county attorney stated that the review would be completed and presented to the Board by December 2, 2014.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST: \_\_\_\_\_  
Jill Marlow, Auditor

October 7, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of September 30, 2014, with the following amendments: *Emergency Management Coordinator Scott Hansen volunteered to serve on the committee is added to the discussion regarding the employee handbook.* All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 211846 through 212057, payroll checks numbered 137788 through 137805, and ACH payments numbered 22001 through 22131, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-60, WAGE AND JOB CLASSIFICATION CHANGE FOR JOSHUA BURKHART. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-60**

WHEREAS: Benton County has an employee that has been employed by Benton County for six months, and

WHEREAS: Upon the completion of the probationary period the base wage may be increased from the starting wage

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hourly base wage of Joshua Burkhart be set at \$18.27 effective October 14, 2014. This position carries a Labor Grade VB classification.

Signed this 7<sup>th</sup> day of October, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to suspend property taxes on parcel #240-80125 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the sheriff's, recorder's, and auditor's quarterly reports for the period ending September 30, 2014. All members voting aye thereon. Motion carried.

Supervisor Wiley discussed the resignation of Stephanie Black from the conservation board, stating it was disappointing. Moved by Wiley, seconded by Hertle, to accept the resignation of Stephanie Black from the conservation board, effective December 30, 2014. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Marc Greenlee met with the board regarding a request for a variance to the county's subdivision ordinance. Mark and Sheila Kotouc and Richard and Dorothy Eldridge were present. Kotouc spoke to the board about the reason for the request stating that the parties own adjoining property and would like to change the boundary lines through an exchange of property to accomplish the same. Moved by Wiley, seconded by Hertle, to adopt Resolution #14-61, WAIVER OF THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-61**

### **Waiver of the Benton County Subdivision Ordinance**

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #61; and

WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and

WHEREAS, said ordinance sets forth minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and

WHEREAS, a request has been presented to the Board of Supervisors to waive adherence to the ordinance in its entirety on a parcel in 22-85-12 due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 on a new division located in 22-85-12, are hereby waived in their entirety. Strict adherence to the requirements of the subdivision ordinance would create an undue hardship for the following reason(s):

1. The existing pond lies on the both parties' property;
2. The existing boundary/fence is within ten feet of the residence.
3. The purpose of the divisions is to allow the boundaries between two adjoining properties to be more in conformance with the current use.

IT IS FURTHER RESOLVED that the division of property must still comply with state law.

PASSED and APPROVED this 7<sup>th</sup> day of October 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve the hire of Courtnei Poell, as a part-time employee in the recorder's office, effective October 10, 2014, at a wage of \$10.00 per hour. All members voting aye thereon. Motion carried.

Carol Zander met with the board to request approval to hire part-time clerical assistance. Zander stated that her current part-time clerk is reducing her weekly hours and does not want to perform work for to the Mental Health/Disability Services of the East Central Region (the Region). Zander stated that she would like to hire a full-time employee and submit 60% of the cost to the Region for reimbursement. The board questioned what the salary would be for a full-time hire. Zander stated that it would be in the \$11.00 range. The board directed Zander to find out if the Region will reimburse the county for additional administrative expense.

Moved by Hertle, seconded by Wiley, to go into closed session to discuss courthouse security pursuant to Iowa Code 21.5(g), 21.5(k) and 22.7(50)a. All members voting aye thereon. Motion carried at 10:37 a.m.

Moved by Hertle, seconded by Wiley, to return to open session. All members voting aye thereon. Motion carried at 11:45 a.m.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

October 14, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of October 7, 2014. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to approve the request by Vinton Parks and Recreation Department to use of the courthouse lawn on October 25, 2014. All members voting aye thereon. Motion carried.

Scott Mather and Carla Loverink of Iowa Works met with the board to request support for the Skilled Iowa program. Loverink stated that the point of Skilled Iowa is to help employers get better skilled persons for jobs and to help job seekers get those jobs by being better skilled. Loverink stated that some businesses use the free testing available through the program. Loverink added that some businesses support the consortium but do not use the program. Mather stated that Iowa Works is asking Benton County to support the program, but they are not expecting the county to incorporate this into all of their hiring practices. Supervisor Hertle reported that he has heard a lot of good things about the program, but was more comfortable knowing that the individual county departments would not have to participate. Wiley stated that he believed the board supported the program, but was hesitant to add this requirement to the departments' hiring process. Moved by Hertle, seconded by Wiley, that Benton County support the Iowa Works Skilled Iowa Program. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to acknowledge the treasurer's quarterly investment report for the period ending September 30, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to suspend the taxes on parcel #830-00150 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

County Attorney David Thompson, Assistant County Attorney Emily Nydle, and Jackie Michael met with the board regarding the termination of the existing employment contract between Michael, the Benton County Attorney, and Benton County. Michael requested that she be let out of the contract with a termination date of October 17, 2014. Michael stated that her current contract requires a 60-day notice, which she delivered to the county attorney on September 5, 2014. Thompson stated that he was unwilling to agree to the October 17, 2014, date but would agree to an amendment with a termination date sometime between October 17, 2014 and October 22, 2014. Thompson stated that Michael is training a successor and that he believed additional training time may be needed to train adequately. Michael responded that she believe the training would be complete by October 17<sup>th</sup>. Supervisor Frese asked Michael if she would be willing to stay through October 22<sup>nd</sup>, adding that he understood it was difficult for an employee to continue performing when he/she doesn't want to be there. Michael stated she would entertain the matter if it would cause less friction. Supervisor Hertle stated that when the collections program started he heard all good things about Michael and added that she was doing a good job with the collections. Michael stated that she should not be responsible for paying the county back for used vacation time and wanted confirmation that she would not be required to. Supervisor Hertle stated that he agreed that no repayment for vacation time used should be required. Supervisor Wiley agreed with Frese stating that it was hard to expect performance from a person when they don't want to be there. Thompson stated that the employment contract would need to be formally amended to reflect that the parties agree that the last day of employment is October 22, 2014, and that repayment of vacation would not be invoked. Moved by Hertle, seconded by Wiley, to amend the employment contract between Benton County and Jacqueline Michael to reflect that her last date of employment with Benton County is October 22, 2014, and no repayment of vacation time is required. All members voting aye thereon. Motion carried. The amendment to the contract is placed on the next agenda.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

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Jill Marlow, Benton County Auditor

October 21, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of October 14, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 212059 through 212250, payroll numbered 137806 through 137822, and ACH deposit numbered 22142 through 22265, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to table entering into a contract with Steve Meyer Consulting for the completion of an updated hazard mitigation plan pending further review by the State and legal counsel. All members voting aye thereon. Motion carried.

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## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-62, TRANSFER OF FUNDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

### **RESOLUTION #14-62 TRANSFER OF FUNDS**

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund transfers are ordered:

CDBG to General Basic - \$1.00  
TIF to Secondary Roads - \$12,381.02

The auditor is authorized to make said transfers and to amend the budget to reflect the same.

Dated this 21st day of October 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve payment of Local Option Sales and Services Tax funds in the amount of \$44,938.70, which represents ten percent of the purchase price of equipment for a new fire truck. Payment is to be made to the City of Vinton on behalf of the Vinton Fire. The fire department has presented an invoice substantiating the purchase of the equipment as required. This action is pursuant to Resolution #12-36A. All members voting aye thereon. Motion carried.

The board discussed the non-payment of a bill for costs incurred by the department of the medical examiner. The costs were for transport of a deceased, which the board believes to be the expense of the funeral home. Moved by Hertle, seconded by Wiley, to table action pending further discussions with the funeral home involved. All members voting aye thereon. Motion carried. The county attorney will look into the issue further.

The auditor questioned the board as to their expectations for the FY16 budget timeline. The board advised that they would like to start work on the budget at the beginning of the year and that departments are to have budget requests into the auditor by mid-December.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Byron Walker. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 2 acres located in the SE1/4 of 3-86-9. The request is to change the classification to a single residential use. A new septic, which may need to be a nonconventional system, would be needed for the residence. Hearing no further comment, it was moved by Hertle, seconded by Wiley, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a residential purpose on a parcel generally described as being located in the SE1/4 of Sec. 28-82-10. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-63, ACCEPTING QUIT CLAIM DEED. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-63 ACCEPTING QUIT CLAIM DEED**

WHEREAS, Benton County Conservation has accepted ownership of the Old Creamery Nature Trail in the name of Benton County pursuant to Iowa Code 350.4(2); and

WHEREAS, the Iowa Trails Council, Inc. has Quit Claimed to Benton County all right, title, interest, estate, claim and demand for said property,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Quit Claim Deed transferring ownership from the Iowa Trails Council, Inc. to Benton County, Iowa, on the following described real property is hereby accepted.

All of that certain land and real property located under, upon and along the former railroad line of the Iowa Northern Railway Company located: Commencing west of K Avenue (U.S. Highway 218) and south of the extension of 8<sup>th</sup> Street in Vinton, Benton County, Iowa, at Milepost 24.289 in or near the City of Vinton, Benton County, Iowa, thence westerly through Sections 20 and 19, Township 85 North, Range 10 West of the 5<sup>th</sup> P.M., thence continuing westerly through Sections 24,23,26,27,28,29,30 and 19,Township 85 North, Range 11 West of the 5<sup>th</sup> P.M., thence continuing westerly through Sections 24, 13, 14, 15, 16, 17 and 18 to the west line of said Benton County, Township 85 North, Range 12 West of the 5<sup>th</sup> P.M.

Passed and approved this 21<sup>st</sup> day of October 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

County Attorney David Thompson presented a proposed amendment to the employment contract between Benton County and Jacqueline Michael. Michael stated that she would like that language in paragraph #3 to state that she is not required to pay back any vacation time and remove the wording "used in calendar year 2014". Supervisor Hertle and Wiley stated that they supported Michael's request. Thompson stated that he would not sign the amendment if changed from the proposal as the language was appropriate and legal. Hertle wanted it clear and Thompson agreed that Michael would not have to repay any vacation time whatsoever. Hertle then moved to adopt the amendment. Wiley was concerned about the inclusion of the language that Michael wanted removed. Hertle questioned Michael if she was satisfied with the statement made by the county attorney that she would never have to pay back any vacation time. Michael stated she was in agreement. Frese seconded the motion. All members voting aye thereon. Motion carried. The amendment provides that Michael's employment is terminated as of October 22, 2014, and that she is not required to pay the county for vacation time used.

Moved by Wiley, seconded by Hertle, to approve vacation carry-over as follows:

Edward Watts – 37.5 hours – to be used by March 31, 2015.

Deb Fleming – 30 hours – to be used by June 30, 2015.

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to suspend the taxes on parcel #240-16300 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by ITC Midwest to place utility lines in the county's right-of-way in sections 5 and 6 of Iowa Township, along/under 13<sup>th</sup> Avenue and 11<sup>th</sup> Avenue. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Van Horne Telephone to place utility lines in the county's right-of-way in sections 12 and 13 of Union Township. All members voting aye thereon. Motion carried. Additional discussion ensued regarding whether this location was in the city limits and if so, then the county would not issue a permit. The engineer is to determine if the permit is to be issued by the county.

Moved by Hertle, seconded by Wiley, to approve 80 hours of vacation carry-over requested by Randy Sherwood. Said vacation carry-over is to be used by December 31, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to sign the Iowa Department of Transportation construction progress voucher in the amount of \$30,000 for the final payment of project number STP-S-CO06(86) 5E-06 for the resurfacing of the roadway north of Dysart. The total cost of the project was \$2,108,281.36 with Tama County sharing in the cost. All members voting aye thereon. Motion carried.

The engineer requested authority to increase the credit limit on his county credit card. The engineer advised that with the addition of Integrated Vegetation Roadside Management to his department, as well as other activities, the \$1000.00 credit limit is difficult to stay within. Moved by Wiley, seconded by Hertle, to authorize a credit limit increase to \$2,000.00 on the engineer's credit card. All members voting aye thereon. Motion carried.

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Moved by Wiley, seconded by Hertle, to adopt Resolution #14-64, REMOVAL OF BRIDGE EMBARGO. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-64**

WHEREAS, the structures at these locations have been replaced by new structures and

WHEREAS, the new structures will no longer need a weight restriction,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restrictions previously imposed on these structures be removed. The structures are located as follows:

<u>JA-3044</u>	0.4 mile south of the NW corner of section 27-85N-11W (Jackson Township) on 19 <sup>th</sup> Avenue
<u>UN-3058</u>	0.2 mile north of the SW corner of section 34-83N-11W (Union Township) on 19 <sup>th</sup> Avenue
<u>PO-6021</u>	0.1 mile south of the NE corner of section 13-86N5-9W (Polk Township) on Benton-Linn Road

Signed this 21<sup>st</sup> day of October 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Urbana Mayor Duane Eldred met with the board to request the county's participation in a proposed Center Avenue improvement project in Urbana. Eldred stated that the county's maintainer shed is located on Center Avenue and that the heavy equipment using the street causes premature deterioration. Supervisor Hertle expressed concern over setting a precedent due to maintainer sheds being located in other communities. Supervisor Wiley was concerned with spending county funds on city street projects. After further discussion, the board advised that they were not in favor of providing the financial support. Eldred advised that the city planned to do the project and that he would relay to the city council with the board's position; however Eldred stated that the city could do a special assessment which would require financial participation by the county.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

October 28, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of October 21, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to accept the quarterly report for Benton County General Assistance for the period ending September 30, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve payment of checks to the Mental Health Disability Services of The East Central Region in the amount of \$181,728.00, to Business Card in the amount of \$19.53, (checks numbered 212251 and 212252) and to authorize the auditor to purchase up to \$1,000 of postage stamps if needed for the general election. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into a contract with Steve Meyer Consulting, LLC for the development of an updated Benton County Multi-Jurisdictional Hazard Mitigation Plan at a cost not to exceed \$39,942.00. All members voting aye thereon. Motion carried.

## **CONTRACT FOR SERVICES BETWEEN THE BENTON COUNTY BOARD OF SUPERVISORS AND STEVE MEYER CONSULTING LLC**

Steve Meyer Consulting LLC, (hereinafter referred to as the Contractor) has the expertise to carry out the responsibilities of a Hazard Mitigation Contractor as outlined in the attached Scope of Work, and the Benton County Board of Supervisors, requires assistance in the development of Benton County Multi-Jurisdictional Hazard Mitigation Plan.

In mutual consideration of the promises set forth in this agreement, it is therefore agreed as follows:

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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## **SECTION I. Scope of Services**

The Contractor shall provide the services necessary to fulfill the requirements established by the Benton County Board of Supervisors and outlined in the attached Scope of Work and Federal Contract Language attachments, both of which are to be considered part of this contract. All work is to be consistent with the requirements established by the Disaster Mitigation Act of 2000 (DMA2K), 44 CFR, Part 201 and approved by FEMA.

## **SECTION 2. Time of Performance**

The work under this Contract shall begin on immediately upon execution. Completion is projected for no later than Feb. 1st, 2016. In the event the completion date requires an extension, the Contractor and Benton County may negotiate the terms of the extension.

## **SECTION 3. Personnel**

The parties intend that an independent contractor-purchaser of service relationship will be created by the Contract. The Contractor is not considered an agent or employee of the County of Benton for any purpose.

## **SECTION 4. Method of Payment**

The Fiscal Agent shall pay the Contractor \$33,949 for work on the 2016 Benton County NMP Update according to the following schedule:

- \$5,000 to be paid upon completion of the Benton County Profile
- \$5,000 to be paid upon completion of the Hazard Profiles
- \$5,000 to be paid upon completion of Hazard Analysis and Risk Assessment
- \$5,000 to be paid upon completion of the Hazard Mitigation Measures
- \$7,000 to be paid when the plan is submitted to FEMA
- \$6,949 to be paid upon approval of the Benton County Multi-jurisdictional Hazard Mitigation Plan by FEMA

## **SECTION 5. Amendments**

Any amendments or changes to this Contract must be in writing and mutually agreed to by the Contractor and Benton County Board of Supervisors.

## **SECTION 6. Termination Clause**

Either party assigned hereto shall have the authority to terminate this Contract, by notifying the other party by registered mail within sixty (60) days of the effective termination date. The Contractor will be paid for the time provided and expenses incurred up to the termination date.

## **SECTION 7. Saving Clause**

Should any provision of this Contract be deemed unenforceable by a court of law, all of the other provisions shall remain in effect.

## **SECTION 8. Entire Agreement Statement**

This Contract contains the entire agreement between the Benton County Board of Supervisors and Contractor for the contracted work. There are no other written or oral agreements, understandings, or contracts that shall take precedence over the items contained herein, unless they have been made a part of this Contract per Section 5.

PASSED AND APPROVED:

STEVE MEYER  
STEVE MEYER CONSULTING LLC  
Date

BENTON COUNTY  
BOARD OF SUPERVISORS

Date:

## **SCOPE OF SERVICES**

Under this agreement, the contractor is responsible for updating the 2011 Benton County Multi-Jurisdictional Hazard Mitigation Plan, in accordance with the Disaster Mitigation Act of 2000 (DMA2K), 44 CFR, Part 201 and approved by FEMA.

Specifically, the Contractor shall provide the following services. The scope of services for successful completion of this contract shall include the following requirements.

The Contractor shall:

Work with the Emergency Management Agency Coordinator to plan the Kick-Off Meeting(s).

Work with the Emergency Management Agency Coordinator to develop and meet with the appointed planning committee to begin the planning process.

Coordinate planning of all necessary meetings and public hearings required to adequately complete the plan in accordance with FEMA requirements. This will include working with appropriate city and county officials to schedule meetings, determine locations, and notify team members and the public. All formal invitations, public notices, letters, and press releases will be developed with the review and approval of appropriate officials.

Attend meetings and consult with every jurisdiction in Benton County in order to determine the hazards that are critical to the jurisdiction and the mitigation measures needed for each hazard identified in each jurisdiction. The hazards considered will include 16 natural hazards (Drought, Earthquake, Expansive Soils, Extreme Heat, Flash Flood, Hailstorm, Landslide, River Flood, Severe Winter Storm, Thunderstorm & Lightning, Tornado, Windstorm, Sinkhole, Levee Failure, Dam Failure, and Grass or Wildland Fire) and 24 manmade hazards (Air Transportation Incident, Communications Failure, Energy Failure, Fixed Hazardous Materials Incident, Fixed Radiological Incident, Highway Transportation Incident, Pipeline Incident, Rail Transportation Incident, Transportation Hazardous Materials Incident, Radiological Transportation Incident, Waterway Incident, Enemy Attack, Public Disorder, Agro Terrorism, Bio Terrorism, Chemical Terrorism, Conventional Terrorism, Cyber Terrorism, Radiological Terrorism, Animal/Plant/Crop Disease, Human Disease Incident, Human Disease Pandemic, Structural Failure, and Structural Fire). Each jurisdiction, including the City of Atkins, the City of Belle Plaine, the City of Blairstown, the City of Garrison, the City of Keystone, the City of Luzerne, the City of

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Mt. Auburn, the City of Newhall, the City of Norway, the City of Shellsburg, the City of Urbana, The City of Van Horn, The City of Vinton, The City of Walford, unincorporated Benton County, the Belle Plain Community School District, Benton Community School District, Center Point-Urbana Community School District and Vinton-Shellsburg Community School District, will be identified in the plan with their specific hazards and mitigation measures. The number of meetings and consultations with each community will vary with mitigation planning needs. FEMA requires a minimum of three meetings to be held in conjunction with the development of a Hazard Mitigation Plan. I anticipate that each community will participate in a minimum of two meetings to determine hazards and mitigation measures and to review the plan draft. Each jurisdiction will also be required to officially adopt the completed plan.

Develop a Community Profile for each of the jurisdictions in Benton County in coordination with local officials and the appointed planning committee.

Research and prepare hazard analysis and vulnerability assessments for each of the identified hazards as part of an in-depth hazard profile to include definition and description, historical occurrence, probability, vulnerability, maximum threat, severity of impact, and speed of onset. All available technology and resources will be utilized including, but not limited to:

NFIP (National Flood Insurance Plan) flood plain maps

FEMA HAZUS-MH risk assessment software

National Weather Service (NWS), National Climatic Data Center (NCDC),

National Transportation Board (NTSB), USGS, US Census, and National Disaster

Center records and databases

CIS Technology

Historical Records

Previously completed Hazard Mitigation Plans from Benton County jurisdictions

Develop an analysis of each hazard mitigation measure using the STAPLEE (Social, Technical, Administrative, Political, Legal, Economic, and Environmental) evaluation criteria.

Develop maintenance and review section of the Plan based on the information provided by the appointed planning committee.

Include a wide range of possible mitigation activities as identified by each community and the appointed planning committee in the completed Plan.

Prepare all mapping and related documents as required by FEMA.

Assist in administration and maintenance of all necessary progress reports, quarterly reports, meeting documentation, and soft match documentation in coordination with the Benton County Emergency Management Coordinator. I will submit all completed necessary reports and documentation to the Emergency Management Coordinator as required.

Write the Benton County Multi-Jurisdictional Hazard Mitigation Plan in compliance with the Disaster Mitigation Act of 2000 (DMA2k), 44CFR, Part 201, the Milestone Time Frame and Scope of Work identified in the grant application and award, and the current FEMA Region VII Local Hazard Mitigation Plan Crosswalk.

Complete the FEMA required Crosswalk Document.

Complete the Data Collection Sheets, as required, to the approval of HSEMD.

Provide an opportunity for each community, local officials, appointed planning committee, Benton County Emergency Management Agency, and any other stakeholders to review and comment on the draft plan before submission to FEMA for review and approval.

Revise the draft plan as necessary based on the review and comment of the community, local officials, appointed planning committee, Benton County Emergency Management Agency, and other stakeholders.

Work with each jurisdiction to facilitate the adoption process including sample documentation.

Submit the completed plan to HSEMD and FEMA for review and approval.

Complete any revisions required by FEMA in order to achieve a FEMA approved Multi-Jurisdictional Hazard Mitigation Plan.

Provide, upon FEMA approval, a digital/electronic copy of the approved Plan in PDF form to each jurisdiction, the Benton County Emergency Management Coordinator, and the Benton County Board of Supervisors.

Provide, upon FEMA approval, a digital/electronic copy of the approved Plan in editable form(s) to the Benton County Emergency Management Coordinator.

Collect and compile all meeting records, sign in sheets, and other documentation to facilitate soft match requirements and grant close out activities.

Maintain communications and coordination throughout the planning process with the Benton County Emergency Management Coordinator as well as appropriate HSEMD and FEMA staff.

**TOTAL CONTRACT AMOUNT (NOT-TO-EXCEED):**

**\$39,942**

## **FEDERAL CONTRACT ATTACHMENTS**

### Federal Changes

The Contractor understands that federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

### Termination

#### Termination for Convenience (General Provision)

This contract, in whole or in part, at any time by written notice to the Contractor when it is in the local, state, and federal government's best interest. The Contractor shall be paid its cost, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the Purchaser to be paid to the Contractor. If the Contractor has any property in its possession belonging to a Purchaser, the Contractor will account for such property and return or dispose of such property as directed by and at the cost of the Purchaser be paid its costs.

#### Termination for Default [Breach or Cause] (General Provision)

If the Contractor does not deliver any item(s) ordered pursuant to the terms of this solicitation or any contract awarded thereof in accordance with the contract delivery schedule, or, if the contract is for services, the Contractor fails to perform in the manner called for

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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in the contract, or if the Contractor fails to comply with any other provisions of the contract, the Purchaser may terminate his contract for default. Termination shall be effected by serving written notice on the contractor. Said notice shall set forth the manner in which the Contractor was/is at default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services provided in accordance with the manner of performance set forth in the contract.

If it is later determined by the Purchaser that the Contractor had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Contractor, the Purchaser, after setting up a new delivery or performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

### **Opportunity to Cure General Provision**

The Purchaser in its sole discretion may in the case of termination for breach or default, allow the Contractor a specified period of time in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions.

If the Contractor fails to remedy to Purchaser's satisfaction the breach or default or any of the terms covenants, or conditions of the Contract within ten (10) business days after receipt by Contractor or written notice from the Purchaser setting forth the nature of said breach or default, Purchaser shall have the right to terminate the Contract without any further obligation to the Contractor. Any such termination for default shall not in any way operate to preclude the Purchaser from also pursuing all available remedies against Contractor and its sureties for said breach or default.

### **Equal Employment Opportunity**

Equal Employment Opportunity: vendors submitting bids/proposals must be an equal opportunity employer as defined in Executive Order 11246, entitled as the Equal Employment Opportunity Act, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Chapter 60. The successful bidder in accepting the offer of a purchase contract under terms of this solicitation certifies that its officials shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, disability, or national origin. The successful bidder shall also take affirmative action to insure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, disability, or national origin. The following requirements apply to the underlying contract:

Race, Color, Creed, National Origin, Sex - In accordance with title VII of the Civil Rights Act, as amended, 42 U.S.C. Section 2000e, and Federal transit laws at 49 U.S.C. Section 53432, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U>S> DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, " 41 CFR Parts 60 et seq. (that implement Executive Order No. 11246, Equal Employment Opportunity as amended by Executive Order No: 11375, "amending Executive Order 11246 relating to Equal Employment Opportunity, " 42 U.S.C. Section 2000e note) , and with any applicable Federal statutes, executive orders, regulations and Federal policies that may affect the services being purchased. The Contractor agrees to take such affirmative actions as may be necessary to ensure compliance. These actions shall include, but shall not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Age - In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. Section 623 and Federal transit law at 49 U.S.C. Section 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age.

Disabilities - In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. Section 12112, the Contractor agrees that it will comply with the requirements of the U.S. Equal Employment Opportunity Commission, " Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, " 29 CFR part 1630, pertaining to employment of persons with disabilities.

The Contractor agrees that it shall include these requirements in each subcontract financed in whole or in part with Federal assistance provided by the federal government, modified only if necessary to identify the affected parties.

### **Copeland Anti-Kickback Compliance**

The Contractor agrees to comply with the Copeland "Anti-Kickback" Act (U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3).

### **Davis-Bacon Compliance**

The Contractor agrees to comply with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented in Department of Labor regulations (29 CFR part 5) for construction projects in excess of \$2,000. This provision requires that a Contractor pay prevailing wages to its employees for construction contracts in excess of \$2,000.

### **Contract Work Hours and Safety Standards Act Compliance**

The Contractor agrees to comply with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented in Department of Labor regulations (29 CFR part 5). This provision requires Contractor compliance when a contract in excess of \$2,000, and in excess of \$2,500 when a contract involves the employment of mechanics or laborers.

### **Access to Records and Reporting Requirements**

In accordance with 49 CFR 18.36(1), the EM/contractor and any vendor acting on its behalf in this solicitation agree to provide the Iowa Homeland Security and Emergency Management, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to any contract awarded pursuant to this solicitation for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 CFR Part 633.17, to provide the Homeland Security Administrator or his authorized representatives, including any PMO contractor, access to Contractor's records pertaining to contracts awarded that involve a major capital project, as defined at 49 U.S.C. 5302 (a).

The Contractor/EM agrees to permit any of the parties described in the preceding paragraph to reproduce by any means whatsoever to copy excerpts and transcriptions as reasonably needed.

The Contractor/EM agrees to maintain all books, records, accounts and reports required under any contract awarded pursuant to this solicitation for a period of not less than three (3) years after the date of termination or expiration of this contract, except in the

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

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event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the Iowa Homeland Security and Emergency Management Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto.

### Notice of Awarding Agency Pertaining to Patent Rights

With respect to any discovery or invention which arises or is developed in the course of or under this contract, the Contractor is responsible for complying with requirements pertaining to patent rights, as defined by the awarding agency.

### Notice to Awarding Agency Pertaining to Copyrights and Rights in Data

With respect to any publication, documents, or data that arises or is developed in the course of or under this contract, the Contractor is responsible for complying with requirements pertaining to ownership and use, as defined by the awarding agency.

### Clean Air

Each bidder or supplier, by signing the Certificate of Compliance with Bid Specifications, is obliged under penalty of law to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C.1857(h), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). The EM/Contractor agrees to report each violation the Purchaser and understands and agrees that the Purchaser must, in turn, report each violation as required to assure notification to Homeland Security and the appropriate EPA Regional Office.

The EM/Contractor is required to include these requirements in each subcontract exceeding \$100,000 financed, in whole or in part, with Federal assistance provided by a contract awarded under this solicitation and assisted by Homeland Security.

### Energy Conservation Requirement

The successful bidder shall comply with mandatory standards and policies relating to energy efficiency that are contained in the State Energy Conservation Plan issued pursuant to the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871). Moved by Hertle, seconded by Wiley, to enter into a law enforcement agreement between the Benton County Sheriff and the City of Van Horne to provide 780 hours of coverage per year at a cost of \$17,550 to be paid quarterly. All members voting aye thereon.

Motion carried.

Moved by Wiley, seconded by Hertle, to suspend the property tax on parcel #030-24975 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve and direct the chair to sign the purchase agreement for permanent easement for project BROS-CO06(88)—8J-06 with Lowell and Sherri Henkle for .05 (five hundredths) of an acre located in SE1/4 of 28-85-10 in the amount of \$500.00. All members voting aye thereon. Motion carried.

A meeting of the Board of Supervisors of Benton County, Iowa, was held at 9:50 o'clock a.m., on the 28<sup>th</sup> day of October, 2014, at the Benton County Courthouse, Vinton, Iowa. The Chairperson presided and the roll was called, showing Supervisors present and absent as follows:

Present: Frese, Hertle, and Wiley

Absent: None.

The County Auditor reported that the County Engineer had filed a certificate for the 54<sup>th</sup> Street Trail and 32d Avenue Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer had inspected the work on the Project and that the same had been performed in compliance with the terms of the contract pertaining to the Project, as follows:

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(Attach hereto a copy of the County Engineer's final estimate of cost and certificate of completion.)

Form 640003  
03-04 wd



Iowa Department of Transportation

## CERTIFICATE of COMPLETION and FINAL ACCEPTANCE of AGREEMENT WORK

2014 OCT 28 AM 10:20

BENTON COUNTY AUDITOR

COMPANY: Benton County Secondary Roads COUNTY/CITY: Benton  
ADDRESS: Vinton, Iowa PROJECT NO.: M-L-SC-2014  
KIND OF WORK: Macadam stone road base with double bituminous sealcoat

AGREEMENT DATE: 6/3/2014 FIELD COMPLETION DATE: 7/15/2014

This is to certify that the work covered by the above referenced agreement has been completed in accordance with said agreement and is hereby accepted, subject to final audit of costs.

SIGNATURE: *Myron C. Fairchild* DATE: October 28, 2014  
Project Engineer (Base Construction) (Area Engineer) (County) (City)  
(Consultant) Year

\*SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_, \_\_\_\_\_ Year  
District (Construction) (Maintenance) (Local Systems) Engineer

Approved and work accepted by the Board of Supervisors/City  
Council of Benton County

this 28th day of October, 2014  
Year

SIGNATURE: *Donald H. Fure*  
Chairman/Mayor

Acknowledge completion of project in accordance with referenced agreement by the Iowa Department of Transportation

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Year

SIGNATURE: \_\_\_\_\_  
Iowa Department of Transportation

\*On Local State Assisted  
Projects District does  
NOT certify but  
acknowledges  
completion of project.

DO NOT WRITE IN THIS BOX. CENTRAL OFFICE USE ONLY.  
(Check or Initial Appropriate Box)

☐ Office of Audits

☐ Copy to Company

☐ Copies to District

☐ Original to Files

# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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Thereupon, Supervisor Wiley proposed and moved the adoption of the resolution accepting the work for the Project and levying special assessments.

The motion was seconded by Supervisor Hertle and after due consideration thereof by the Board, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted:

Ayes: Frese, Hertle, Wiley

Nays: None.

Whereupon, the Chairperson declared said motion duly carried and the resolution adopted, as follows:

## **RESOLUTION NO. #14-65**

Accepting work on the 54<sup>th</sup> Street Trail and 32d Avenue Project, Adopting Final Assessment Schedule and Confirming and Levying Special Assessments

WHEREAS, certain property owners filed a Petition, Contract and Waiver with the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), requesting that the Board undertake sealcoat improvements to a portion of the secondary road that goes northeast along 54<sup>th</sup> Street Trail from I-380 to 32d Avenue, then west along 32d Avenue (the "Project") and agreeing to be assessed for one-half of the total cost of the Project, which Petition was approved by the Board on June 3, 2014; and

WHEREAS, heretofore and in strict compliance with Chapters 331 and 384 of the Code of Iowa, the Board did order the construction of the Project, and;

WHEREAS, the Project Engineer has duly filed a certificate with respect to the Project, in accordance with Sections 331.485 and 331.486 of the Code of Iowa, showing that the Engineer has inspected completed work for the Project and that the same has been performed in compliance with the terms of the contract, and the Engineer has filed a final assessment schedule, which has been fully considered by this Board;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Benton County, Iowa, as follows:

Section 1. It is hereby found and determined that the work of constructing the Project which has been completed by the contractor is in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. It is hereby found and determined that the cost of the Project that shall be assessed against private property within the assessable district is \$28,248.

Section 3. The final assessment schedule filed by the Project Engineers covering the Project is hereby approved and adopted.

Section 4. Each of the assessments upon the benefited property in the amounts and upon the various lots and tracts described in such final assessment schedule is hereby confirmed and levied, in the amounts shown on the schedule.

Section 5. Each of such assessments is hereby divided into 5 equal installments, as near as may be.

Section 6. All unpaid installments shall bear interest at the rate of 4% per annum from the date of this Resolution; provided, however, that any such assessments may be paid in full or in part without interest within 30 days after the date of this Resolution, such payments to be made at the office of the County Auditor.

Section 7. The first installment of the unpaid assessments shall be due and payable at the office of the County Treasurer on the first day of July, 2015, and shall become delinquent from October 1, 2015, and then bear the same interest with the same penalties as ordinary taxes.

Section 8. Succeeding installments shall become due and payable in like manner on the first day of July in each of the years 2016 to 2019, inclusive.

Section 9. The County Auditor is hereby authorized and directed to certify and file the final assessment schedule with the County Treasurer.

Section 10. The County Auditor shall send notice of the special assessments, by regular mail, to each of the property owners, at the address shown on the final assessment schedule, not more than seven days after the date of this Resolution.

Such notice shall be in form substantially as follows:

### **NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE**

### **54<sup>TH</sup> STREET TRAIL AND 32D AVENUE PROJECT**

### **BENTON COUNTY, IOWA**

TO WHOM IT MAY CONCERN: Take notice that the Board of Supervisors of Benton County, Iowa, has adopted the final assessment schedule covering the 54<sup>th</sup> Street Trail and 32d Avenue Project, which has been duly certified to the County Treasurer.

The Project consists of the construction of sealcoat improvements on a portion of the secondary road that goes northeast along 54<sup>th</sup> Street Trail from I-380 to 32d Avenue, then west along 32d Avenue.

The amounts of the assessments against each property owner who signed the Petition, Contract and Waiver for this Project and who agreed to be assessed a portion of the cost of the Project are as follows:

Felker	\$4,413.75
Primmer	\$8,827.50
Lown	\$15,006.75

Any assessment may be paid in full or in part without interest within 30 days after the 28<sup>th</sup> day of October, 2014, such payments to be made at the office of the County Auditor. Assessments which are not paid in full within that time period will be divided into 5 equal annual installments due on the first day of July, commencing July 1, 2015. All unpaid special assessments will draw annual interest at 4% computed initially from the 28<sup>th</sup> day of October, 2014, to December 1, 2015, and thereafter computed



# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

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from the December 1 immediately preceding the due dates of the respective installments to the December 1 next following the due dates of the respective installments.

By order of the Board of Supervisors of Benton County, Iowa.

Section 11. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.  
Passed and approved October 28, 2014.

County Auditor

\_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
County Auditor

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Don Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Auditor

November 4, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of October 28, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to allow the use of the courthouse lawn by Vinton Unlimited for the holiday tree lighting on November 20, 2014, and to display lighted decorations throughout the holiday season. There are to be no lights placed in the trees, no lights placed on the courthouse, no interference with courthouse snow removal, and the decorations are to be removed promptly dependent upon weather. Further, the board gives approval to use the first floor of the courthouse the evening of November 20, 2014, for activities by Vinton Unlimited. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-66, ABATEMENT OF TAX. Voting aye were Frese, Hertle, and Frese. Nays none. Motion carried.

## **RESOLUTION #14-66 ABATEMENT OF TAX**

Whereas, the court of the Iowa Sixth Judicial District has ruled on a Petition filed by the City of Belle Plaine and declared the property abandoned under Iowa Code 657A.10A; and

WHEREAS, the court has ordered that title be awarded to the City of Belle Plaine free and clear of any claims, liens, or encumbrances; and

WHEREAS, tax and penalty are owing on said property,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all tax in the amount of \$612.00 and penalty in the amount of \$5.00 owing on parcel #030-37750 is hereby abated in full pursuant to order of the court under Iowa Code 657A.10A.

Dated this 4th day of November 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

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November 7, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present. Supervisor Frese called the meeting to order at 2:30 p.m.

Employees and Department Heads met to discuss revisions that need to be made to the Benton County Handbook. David Thompson, County Attorney obtained some handbooks from other counties to look over and compare. There was a sign-up sheet passed around for those interested in receiving electronic copies of those handbooks. Everyone is encouraged to look them over and pick and choose what policies could use some updates. Next committee meeting will be held Wednesday November 19<sup>th</sup> at 9:00 a.m. at the EOC.

Moved by Wiley, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

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Hayley Rippel, Deputy Benton County Auditor

November 10, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle, and Wiley present. Supervisor Frese called the meeting to order at 2:00 p.m.

The board exchanged proposals for the 2015/2016 collective bargaining with Public Professional & Maintenance Employees, International Union of Painters and Allied Trades Local 2003 (PPME), representing secondary roads employees. The union proposes changes to the Article 20 – Holidays, Article 21 - Job Classifications and Straight Time Hourly Wage Rates and Article 31- Duration of Agreement. The county proposed changes to Article 3 Employee Rights; Article 12, Rules; Article 16 – Hours of Work and Overtime, Article 18 – Sick Leave, Article 21 – Job Classifications and Straight Time Hourly Wage Rates, Article 22 – Insurance, Article 29 – Employee Discipline and Article 31 – Duration of Agreement.

Moved by Wiley, seconded by Hertle, to approve the minutes of November 4, 2014, and November 7, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve payment of the DECAT administration claim for October 2014, in the amount of \$2,851.80. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 212253 through 212538, payroll checks numbered 137823 through 137839, and ACH deposits numbered 22266 through 22396, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into a Third Party Administration Service Agreement with Employee Benefit Systems for the 2015 calendar year. The maximum amount for the medical flexible spending is to remain at \$2,500 for 2015 but increase to \$2,550 for 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to declare the canvass of the election to be complete and the votes cast to be official. The official results are to be recorded in the office of the county auditor. Voting aye were, Frese, Hertle and Wiley. Nays none. Motion carried.

The results of the General Election held on November 4, 2014, for local candidates as canvassed and approved by the Benton County Board of Supervisors are as follows:

State Representative – Dawn Pettengill  
County Supervisor – Todd Andrew Wiley  
County Treasurer – Kelly Rae Geater  
County Recorder – Lexa S. Speidel  
County Attorney – David C. Thompson

The following **township trustees and clerk respectively** were elected:

Benton – Don Neve and to fill vacancy Karl Blumer and Doug Sutton. (Moved by Hertle, seconded by Wiley to accept Karl Blumer, Karl Blumer and Karl Blumer to be all the same person. All members voting aye thereon. Motion carried.)

Big Grove – Cory Van Deusen and Connie Pickering

Bruce – Ben Hach and Marilyn Purdy

Cedar – John Lee and Larry Moody

Canton – Steve Mason and to fill vacancy Scott A. DeKlotz and Charles H. Ries

Eden – John Holst and Garth Gardemann

Eldorado – Jon Kaestner and Rosie Olson (Moved by Wiley, seconded by Hertle to accept Rosie Olsen and Rosie Olson to be all the same person. All members voting aye thereon. Motion carried.)

Florence – Peter Drahos and Stewart Towe

Fremont – Tim Busch and Gerry Corrigan (Moved by Hertle, seconded by Wiley to accept Tim Busch and Tim J. Busch to be all the same person. All members voting aye thereon. Motion carried.)

Harrison – Garth Beatty and Sharon A. Bauer

Homer – Don A. Callahan and to fill vacancy Dean Scheel and Dean Scheel

Iowa – Jim Sayers and Melody Lohf (Moved by Hertle, seconded by Frese to accept Jim Sayers and James Sayer to be all the same person. All members voting aye thereon. Motion carried.)

Jackson – Paul M. Herger and John Lindahl

Kane – Shawn Ritter and Michael J. Silhanek

Leroy – John Roth and Larry Koster

Monroe – Gary K. Reed and Larry Karpisek (Moved by Wiley, seconded by Hertle to accept Larry Karpisek and Larry L. Karpisek to be all the same person. All members voting aye thereon. Motion carried.)

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Polk – Steven Smith and Lyle D. Koutny  
St. Clair – James Oberreuter and John Kuester  
Taylor – Wayne Rhinehart and Edwon G. Yedlik  
Union – Paula Denison

The following persons were elected to the **Benton County Agricultural Extension:**

Matthew Marovec, Allison Hicks, Brian McNulty, John Holst and Shannon Feuerbach.

The following persons were elected to the **Soil and Water Conservation:**

Henry J. Wehrman and John Roth

Moved by Wiley, seconded by Hertle, to accept the resignation of Garrett Wittmer as the county's animal control officer, effective October 31, 2014. All members voting aye thereon. Motion carried. A meeting is to be scheduled for December 8<sup>th</sup> at 6:00 p.m. at the Newhall City Park Pavilion to discuss animal control issues and animal control facilities. The cities are invited to attend said meeting.

Moved by Wiley, seconded by Hertle to accept the resignation of Rhonda Henderson from Benton County Transportation, effective December 31, 2014, and authorize the transportation director to proceed with advertising to fill the position. All members voting aye thereon. Motion carried.

Carol Zander, Acting Social Services Director, requested approval to create a social worker position within her office. Zander explained that her current part-time employee will be resigning in January 2015 and that the mental health region is in need of more social workers. Zander advised that if she hired a social worker to work for the mental health region and her office on an 80/20 split, that the mental health region would reimburse Benton County for 80% of the costs associated with the position. Moved by Wiley, seconded by Hertle to approve the addition of an 80/20 social worker position within the Benton County Social Services department. The position is to be 80% social worker and 20% relief office assistant. All members voting aye thereon. Motion carried. The board understood that the additional position will require a FY15 budget amendment.

County Auditor Jill Marlow spoke to the board about creating a position within her office. Marlow stated that a resolution had been adopted by a prior board establishing the number of staff within her office as required by law. Marlow said that she has not employed the maximum allowed by that resolution, but due to increased work load that it was necessary to hire additional staff. Marlow stated that she would create a job description but desired someone with a bachelor's degree in finance, accounting, or business to provide more coverage in the finance area of her office. Supervisor Hertle agreed that the auditor's office has a large work load and that additional staff was warranted. Supervisors Wiley and Frese expressed support of the additional staff person as well.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

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Jill Marlow, Benton County Auditor

November 18, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle, and Wiley present. Supervisor Frese called the meeting to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley to approve the minutes of November 10, 2014. All voting aye thereon. Motion carried.

Benton County Art Guild members Kim Fischels, Gloria Arcut and Don Eells along with Amanda Dedrick and her mother presented a painting done by Amanda Dedrick. Amanda, a junior in Vinton-Shellsburg High school, presented the painting of the courthouse to the Board of Supervisors to be temporarily displayed in the courthouse.

Gary Toyne met with the board to discuss his lease on the Cedar Valley Ranch farm ground. Toyne is asking the board to renegotiate his rent. Toyne stated that he is looking at a loss of \$4,000-\$5,000 planting beans next year. Supervisor Hertle stated that the board would have to discuss this with the County Attorney before proceeding any further. Toyne stated this is the only ground he farms. Hertle recommended that Toyne look into any opportunities for new farmer programs out there. Supervisor Frese stated he doesn't have a clue how to renegotiate his rent, most landlords won't change. Supervisor Wiley stated that his opinion is that he signed onto a 3 year deal and it's a 3 year deal. They thought the bid was high when it was bid. Frese stated he would talk to the County Attorney and get back to Toyne about this.

Myron Parizek, Benton County Engineer met with the board to set prices for sand/salt for the winter season. Parizek stated that most cities have limited storage and purchase their sand/salt from the county. They mix their sand/salt mixture 4 parts sand to 1 part salt. The cost to the county would be around \$34 per ton. Parizek is recommending a cost to the cities of \$36 per ton. Parizek stated he has no interest in offering sand/salt to private enterprises this year. Supervisor Wiley questioned if he added compensation for storage and wear/tear for the salt storage. Parizek stated that is something he has thought about adding into the cost but the winter season came sooner than expected this year. He has looked into replacing the storage building at Secondary Roads with a hoop building with a partition in the middle with a cost of \$70,000 for the hoop building. Wiley said that with rough numbers \$0.50 would help compensate for the cost of the storage facility. Moved by Wiley, seconded by Hertle to set sand/salt prices for cities at \$36.50 per ton. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson met with the board to discuss employee contracts with Benton County Assistant County Attorney's Emily Nydle and Jo Nelson. Thompson presented Nydle's contract. Thompson stated that Nydle's contract is exactly the same with the exception of removing 225 hours sick leave given for a birth of a child. Nydle would receive 4 weeks paid vacation, her initial contract was 3 weeks paid vacation. Nydle stated she has been with the county for over 4 years, her contract mirror's Thompson's term. This employee contract would begin January 1, 2015 and end December 31, 2018. Vacation time is on a

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calendar year basis. Nydle currently makes 85% of the County Attorney. Moved by Hertle, seconded by Wiley to approve employee contract with Emily Nydle. All members voting aye thereon. Motion carried.

Thompson presented Nelson's contract. Thompson stated that Nelson would receive 3 weeks paid vacation. In section 5 of the employee contract Nelson would receive 225 hours paid maternity leave. Nelson who is currently pregnant would not be covered under that section for this child, since this contract would also begin January 1, 2015. Section 6 of the contract states that if Nelson elects to end her employment with the County prior to December 31, 2018 she agrees to reimburse the County for the 225 hours of maternity leave granted and used under Section 5. Supervisor Wiley asked Nelson if she was ok with the terms of this contract, she stated yes. Wiley stated he is struggling with the 225 hours of maternity leave, he is hoping they are not setting themselves up for precedence. Nelson stated that 6 weeks or 225 hours is standard in the legal profession for maternity leave. Thompson stated he believes that we should try to keep employees equal but we have to stay competitive with the surrounding counties. Supervisor Hertle stated he understands Wiley's concerns and hope they are not shooting themselves in the foot. He has no real objections. Supervisor Frese stated we have to stay competitive with the neighboring counties; we need good people in the County Attorney's office. Wiley stated we need good people in every office. Thompson stated he does not believe they are setting themselves up for anything because these are unique individuals and they don't see employee contracts that often. Moved by Hertle, seconded by Frese to approve employee contract with Jo Nelson. All members voting aye thereon. Motion carried.

Benton County Sheriff Randy Forsyth, met with the board to discuss animal control issues. Forsyth stated that they have been without an animal control officer for 2-3 weeks now. He has someone currently interested in a temporary contract for the animal control officer. Forsyth stated they have calls on a daily basis and the animal shelter won't accept any animals unless it is from an officer, which takes an officer off calls while taking care of the animal. They are not set up for transporting animals; they had to fix up the back of a patrol vehicle for damages related to transporting an animal. Kirk Stout is interested; he has talked with the City of Vinton and given them a proposal. That contract is different than the temporary contract that he has given to the county. The temporary contract given to the county is a cheaper monthly fee than the contract they had with Garrett Wittmer. Thompson stated he questioned about hiring a conflict of interest. Stout's wife works at the Sheriff's office. Thompson stated that you can't pay above a certain amount, he is not certain what that amount is at this time, and he believes they would be fine to enter into a contract for a temporary basis. Moved by Wiley, seconded by Hertle to hire Kirk Stout as an interim position for animal control officer with can be concluded at any time. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

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Gina Edler, Benton County Deputy Auditor

November 25, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of November 18, 2014. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

264

Moved by Wiley, seconded by Hertle, to Adopt Resolution #14-67 Repealing Resolution #13-44 and Adopting Benton County General Assistance Cremation Service Rates. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #14-67  
REPEALING RESOLUTION #13-44 and  
ADOPTING BENTON COUNTY GENERAL ASSISTANCE  
CREMATION SERVICE RATES

WHEREAS, the Benton County Board of Supervisors adopted a resolution establishing cremation service rates through the county general assistance on June 4, 2013; and

WHEREAS, the Board desires to change the rates approved for said services through the repeal of the existing resolution and the adopting of new rates in lieu thereof,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #13-44, *Benton County General Assistance Establishing Cremation Service Rates Price List Effective 1-1-13*, adopted on June 4, 2013, is HEREBY REPEALED in its entirety, effective November 1, 2014,

BE IT FURTHER RESOLVED that the following cremation service rates are HEREBY ADOPTED effective November 1, 2014.

<b><u>Cremation Service</u></b>	
Crematory Expense	\$280.00
Cremation Tray	39.00
Sheet Bronze Urn	65.00
Medical Examiners Permit	75.00
Grave Opening @ cost, not to exceed (Family must pay opening charges above \$225.00)	225.00
Minister Stipend (if used)	25.00
Funeral Home Director's Fee	750.00

Signed this 25th day of November 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

265

Moved by Hertle, seconded by Wiley, to adopt Resolution #14-68, Memorandum of Understanding Regarding Reimbursement from Region for County Employees. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-68 MEMORANDUM OF UNDERSTANDING REGARDING REIMBURSEMENT FROM REGION FOR COUNTY EMPLOYEES**

COME NOW the Benton County Board of Supervisors (hereinafter "the County Board") and the Governing Board of the Mental Health/Disability Services of the East Central Region of Iowa (hereinafter "the Governing Board") and indicate their mutual understanding of the following:

1. Benton County is a member county in and the County Board is a signatory to a 28E Agreement for Mental Health/Disability Services for the East Central Region.
  2. The purpose of this 28E Agreement is to establish an entity to provide local access to mental health and disability services for adults and to engage in any other related activity in which an Iowa 28E organization may lawfully be engaged, all in compliance with Senate File 2315, Division IV, Section 32, as signed into law on May 25, 2012.
  3. The 28E Agreement contemplates that the Region's Chief Executive Officer, Coordinators of Disability Services, and all support staff will be made up of and will remain employees of the individual member counties.
  4. In so doing, the 28E Agreement requires that there will be statements of understanding between the Governing Board and the individual county Boards of Supervisors that identify the individual employee, the position to be filled, and the portion of the employee's wages and benefits that will be reimbursed to the county from Regional funds.
  5. In compliance with this provision of the 28E Agreement, Exhibit A is attached hereto, setting forth the individual Benton County employees, the positions they fill for the Region, and the portion of their wages and benefits that are to be reimbursed to Benton County from Regional funds.
  6. In the event one of the specific employees listed on Exhibit A leaves her or his employment with Benton County or a new employee is hired, Benton County's representative on the Region's Governing Board shall provide the Governing Board with an updated Exhibit A.
  7. The Governing Board, consistent with the 28E Agreement, shall reimburse Benton County from Regional Funds the percentage of wages and benefits listed for the Benton County employees included on Exhibit A.
- BENTON COUNTY  
BOARD OF SUPERVISORS

GOVERNING BOARD OF THE MENTAL  
HEALTH/DISABILITY SERVICES OF  
THE EAST CENTRAL REGION OF IOWA

By: \_\_\_\_\_  
Don Frese, Chairperson

By: \_\_\_\_\_  
Wayne Manternach, Chairperson

Attest: \_\_\_\_\_  
Jill Marlow, Auditor

Signed the \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed the \_\_\_\_ day of \_\_\_\_\_, 2014.

### **EXHIBIT A BENTON COUNTY EMPLOYEES**

<b>Employee Name</b>	<b>Position</b>	<b>% of Wages and Benefits to be Reimbursed to County</b>
Carol Zander	Coordinator of Disability Services	95
Victoria Fink	Office Assistant	80
TBD	Social Worker	80

Moved by Wiley, seconded by Hertle, to award the following bids for the bid letting held on November 18, 2014, by the Iowa Department of Transportation:  
BROS-06-CO06-(92)5F-06 – Bridge and approaches on 19<sup>th</sup> Avenue over Prairie Creek – west of Blainstown – awarded to Peterson Contractors Inc. for the bid amount of \$642,584.55. The estimated cost for the project was \$754,000.  
BROS-06-CO06-(95)—60-06– RCB Culvert Replacement – Triple Box on E22 east of Hwy 21– awarded to Gus Construction Co., Inc. for the bid amount of \$418,853.14. The estimated cost for the project was \$488,000.  
BROS-06-CO06-(96)—60-06 – RCB Culvert Replacement – Twin Box on E22 west of the Keystone turn-off – awarded to Gus Construction Co., Inc. for the bid amount of \$312,318.20. The estimated cost for the project was \$339,000.  
All of the projects are to be completed by the 2015 fall harvest. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

266

Moved by Hertle, seconded by Wiley, to award the quote for replacing the fire alarm system at the Cedar Valley Ranch to Proshield Fire & Security in the amount of \$19,032.48. All members voting aye thereon. Motion carried. A quote was received from Midwest Alarms in the amount of \$36,788.00.

Moved by Wiley, seconded by Hertle, to enter into a three-year contract with ERB's Technology Solutions for Output Solutions Agreement #5428 (print management contract), effective December 1, 2014. The Agreement provides for the print management services for the printers in the courthouse and transportation building. The monthly base amount is \$423.50. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 212539 through 212713, ACH deposits numbered 22397 through 22525, and payroll checks 137840 through 137972. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the appointment of Donna Scheer to the Atkins Library Board as the rural representative. Said appointment is for six years. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the resignation of Chelsea Tharp from the sheriff's department, effective November 28, 2014. All members voting aye thereon. Motion carried.

The auditor spoke with the board regarding a special meeting of the board on December 10, 2014. The auditor has arranged for a security assessment to be performed on December 10 with a discussion on findings upon completion. The auditor asked if the entire board wanted to be present for the discussion and if so, then a board meeting will be scheduled. The board indicated that all members would like to be present.

The auditor advised that the Department of Human Services (DHS) has obtained quotes for a new copy machine and has requested to enter into a three year lease for a Konica Minolta Bizhub. The auditor stated that a multi-year lease requires a public hearing and that she would contact DHS to see how they wanted to proceed.

Mike Wheeler spoke to the board about the intersection at Highways 218 and 30. Wheeler expressed his frustration with the board's position opposing the J-turn proposal – stating that it would save forty acres of property and \$8.25 million dollars. Wheeler stated that because of the Board of Supervisors the project has been delayed three years. Wheeler stated that the board had not researched all of the facts concerning J-turns before opposing the design. Wheeler stated that the J-turn being designed would have an 80-foot median and designed for bus and semi -tractor/trailer traffic and would not have merge lanes. Wheeler added that the design could be modified if needed. The board stated that the drawings presented to them did not reflect an 80 foot median nor did it address the safety for buses and semis. Wiley stated that he was attending a meeting with the Department of Transportation (DOT) tomorrow and would question the J-turn design with the DOT. Wheeler added that a public hearing is scheduled for December 10<sup>th</sup> in Blainstown and stressed the importance of accurate facts being presented to the public.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

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Jill Marlow, Benton County Auditor

December 2, 2014

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of November 25, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to approve 67.5 hours of vacation carry-over requested by Marc Greenlee. Said carry-over is to be used by March 1, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve 28.75 hours of vacation carry-over requested by Carol Zander. Said carry-over is to be used by March 1, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to suspend the taxes on parcel number 030-24975, pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

The auditor spoke to the board about replacing the automatic door opener on the door on the west side of the courthouse. The auditor advised that problems with the opener operating correctly seem to be increasing and with the replacement of the door questioned if this would be the time to install a new opener. The auditor stated the cost would be in the range of \$6,000. The board agreed that the matter should be considered; however, requested a formal quote before taking action.

The board members reported on the various meetings they had been attending. Supervisor Frese advised that the handbook review was behind schedule and not completed by today as originally planned, but did not report on any of the changes being discussed. Frese reported that he spoke with the tenant for the farm ground at the Cedar Valley Ranch. The tenant advised that he is currently planning to continue renting the farm ground under the current lease as written unless he returns to the board. Frese reported that there has been no progress in secondary road union negotiations at this time.

Supervisor Hertle reported that Eric Werner has been hired as the new landfill manager and that the commission continues to proceed with plans to employ all landfill employees and taking over fiscal duties.

Supervisor Wiley reported on the meeting with the Department of Transportation regarding improvements to Highway 30, and specifically the intersection at Highways 218 and 30. Wiley stated that the DOT has a genuine interest in getting the intersection right and that the county has not delayed the process. Wiley stated that the DOT is truly interested in the public's opinion and that the cost differential between a 2-quadrant cloverleaf interchange and a J-turn intersection was not an issue. Wiley reported that project in Benton County is the furthest along of any in the state. Wiley reported that the DOT's design for the J-turn is the same as presented to the Board of Supervisors last year. The DOT will be holding an informational meeting on December 10<sup>th</sup> to gather more public opinion.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

267

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

December 8, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 5:45 p.m. at the Newhall Park Pavilion.

Moved by Hertle, seconded by Wiley, to approve the minutes of December 2, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the Class B Liquor License submitted by Kimm's Sinclair. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 212714 through 212895, payroll checks numbered 137973 through 137989, and ACH deposits numbered 22526 through 22655, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim submitted by Tammy Wetjen-Kestersen for decategorization services for November 2014, in the amount of \$2,851.80. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to proceed with replacement of the automatic door operator for the west door of the courthouse at a cost not to exceed \$4,835.00. The brand of operator is to be determined. All members voting aye thereon. Motion carried.

The board discussed animal control issues with representatives of various cities within Benton County. Representatives of Newhall, Garrison, Vinton, Shellsburg, Atkins, Luzerne, Norway and Urbana were present. Discussion centered on the current animal shelter as well as an animal control officer. The board heard concerns that the current facility management would not accept animals from anyone other than the animal control officer; but has been accepting animals by appointment by officials of those cities with contracts with Friends of the Shelter, Inc. due to the lack of an animal control officer. The county owns the facility but contracted with the City of Vinton for the management of it. The City of Vinton then subcontracted with Friends of the Shelter, Inc. (FOTSI) for the day-to-day management. Watson reported on the income and expense report provided to him by FOTSI and provided an update on a new facility location. Watson reported that a possible location for a new facility could be on property owned by the county located north of the Cedar Valley Ranch by the old lagoons. Watson stated other areas considered were by the city waste water treatment plant (FOTSI was opposed) and the Vinton airport (aviation concerns and low area prohibit this as a viable location). Many of the concerns heard were about the inability to take dogs to the current shelter. The board also discussed the need for an animal control officer (ACO), stating that they were contracting with an individual on a temporary basis until a permanent solution could be found; however, the auditor explained that the temporary ACO was having difficulty securing insurance due to the cost and the service being on a temporary basis and that he would be unable to provide animal control services without it. It was mentioned that a 28E entity could be created to address animal control since it affects many of the communities within the county. No decisions or plans were reached during the meeting; however the board stated they would keep the cities informed of future progress or discussions. The City of Vinton advised that they would have a meeting with FOTSI about the various concerns heard during the meeting.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Benton County Auditor

December 10, 2014

The Benton County Board of Supervisors met in special session with Supervisors Hertle and Wiley present. Supervisor Frese was absent. The meeting was called to order at 11:00 a.m.

The board met for the purposes of receiving a report on a security assessment of the courthouse. Moved by Wiley, seconded by Hertle, to enter into closed session pursuant to Iowa Code 21.5(g), 21.5(k) and 22.7(50)a. Both members voting aye thereon. Motion carried at 11:05 a.m.

Moved by Wiley, seconded by Hertle, to return to open session. Both members voting aye thereon. Motion carried at 12:20 p.m. No action was taken.

Moved by Wiley, seconded by Hertle, to adjourn. Both members voting aye thereon. Motion carried.

\_\_\_\_\_  
Terry Hertle, Vice-chairman

ATTEST: \_\_\_\_\_

Jill Marlow, Auditor

December 16, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of December 8, 2014 and December 10, 2014. All members voting aye thereon. Motion carried.



# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

268

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-70, Approving the Benton County Public Health Rule #60-1. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-70 APPROVING THE BENTON COUNTY PUBLIC HEALTH RULE #60-1**

WHEREAS, the Benton County Board of Health has adopted the Board of Health Rule #60-1 establishing certification requirements for installers for private onsite wastewater treatment systems; and

WHEREAS, the Benton County Board of Health made publication and held a public hearing on said Rule #60-1 in accordance with law; and

WHEREAS, the Benton County Board of Supervisors approves said rule,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following Board of Health rule is hereby approved pursuant to Iowa Code 137.104 (1)(b)(2):

### **BOARD OF HEALTH RULE #60-1**

60.1 Approval by the Board of Health shall require an installer of a private onsite wastewater treatment system to be a holder in good standing of an Iowa Onsite Wastewater Association (IOWWA) certification as a Certified Installer of Onsite Wastewater Treatment Systems (COWTS), either Basic or Advanced.

This rule is intended to implement Benton County Ordinance #60, Section II. Paragraph 1. and Section IV. Paragraph 1.

IT IS FURTHER RESOLVED that publication of said rule is directed and said rule is to be effective January 1, 2016.

Dated this 16<sup>th</sup> day of December, 2014.

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve 36.5 hours of vacation carry-over requested by Justin Birker. Said carry-over is to be used no later than April 1, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve 12 hours of vacation carry-over requested by Hayley Rippel. Said carry-over is to be used no later than December 31, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve and enter into the Addendum to the Managed Services Agreement between Benton County and Erbs Business Machines, Inc. to provide for managed services for the backup, disaster, and recovery component of the county's technology system at a monthly cost of \$300.00. All members voting aye thereon. Motion carried. This action replaces the county's managed service of the backup disaster and recovery at a cost of \$798.30.

Moved by Hertle, seconded by Wiley, to enter into a contract with Proshield Fire for equipment and installation of a fire alarm system at the Cedar Valley Ranch at a cost of \$19,032.48, with 50% down at execution of the contract. All members voting aye thereon. The board discussed the indemnification language and release language contained in the contract; however the county attorney did not have concerns with the contract language.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Mediacom to place utility lines in the county's right-of-way in Iowa Township, Section 17 and 20, along 11<sup>th</sup> Ave, 11<sup>th</sup> Ave Dr., and 77<sup>th</sup> St. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve as evidenced by board signature, the contract and contractor's bond with Gus Construction Co., Inc. for the RCB culvert replacement projects on E22: Project Numbers BRS-CO06(95)—60-06 and BRS-CO06(96)—60-06. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the 2014 Weed Commissioner's Report. All members voting aye thereon. Motion carried.

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# **BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"**

269

Moved by Wiley, seconded by Hertle, to adopt Resolution #14-69, AMENDING RESOLUTION #14-39, BANK DEPOSITORIES. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

## **RESOLUTION #14-69 AMENDING Resolution #14-39 Bank Depositories**

WHEREAS, the Benton County Board of Supervisors adopted Resolution #14-39 on June 24, 2014, naming the bank depositories for FY15 and setting the amounts of said deposits in each respective bank; and

WHEREAS, the treasurer has notified the Board of Supervisors that Farmers Savings Bank, Walford has changed its name; and

WHEREAS, the treasurer has requested an increase in the depository limit at the bank in Walford; and

WHEREAS, the board desires to amend said resolution #14-39 to reflect the above,

NOW THEREFORE BE IT RESOLVED that Resolution #14-39 is hereby amended as follows:

The Farmers Savings Bank in Walford and depository limit shall be changed to:

Central State Bank Walford \$ 2,000,000

The remaining resolution remains in full force and effect.

Signed this 16th day of December 2014

\_\_\_\_\_  
Donald H. Frese, Chairman

\_\_\_\_\_  
Terry L. Hertle

\_\_\_\_\_  
Todd Wiley

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to enter into the Wellness Program Agreement between Benton County and the Iowa State Association of Counties (ISAC) for continued participation in the ISAC Worksite Wellness Program. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the hire of Cindy Garwood as a full-time employee in the transportation department, effective January 2, 2015, at a starting wage of \$14.00 per hour. Garwood is on 6-month probation and upon successful completion of the probationary period; her wage is to increase to \$15.00 per hour. All members voting aye thereon. Motion carried.

The board and engineer discussed the letter received from Jessica Heggebo. Heggebo explained that she had placed a wooden bridge over the county ditch to use as a walkway; however was notified by the county engineer that the bridge was an obstruction and had to be removed. Heggebo removed the bridge but then discovered another similar bridge located elsewhere in the county. Heggebo stated that she believes the county should be consistent in its application of regulations. County Engineer Parizek stated it was an obstruction and that it had to be removed under Iowa law. The board discussed the need for the engineer to be uniform when exercising regulations across the county, not only with obstructions but with any decisions. The engineer stated that his department was just beginning to notify people of the obstructions as it became aware of them. The board reiterated the need to be uniform and consistent with all actions taken.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

\_\_\_\_\_  
Donald H. Frese, Chairman

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

December 23, 2014

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of December 16, 2014. All members voting aye thereon. Motion carried.

## **BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”**

270

Moved by Wiley, seconded by Hertle, to approve checks numbered 212896 through 213038, payroll checks numbered 137990 through 138004, and ACH deposits numbered 22656 through 22783, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve 22.5 hours of vacation carry-over requested by Barbara Greenlee. Said carry-over is to be used no later than April 1, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve 9.75 hours of vacation carry-over requested by Jo Kuennen. Said carry-over is to be used no later than April 1, 2015. All members voting aye thereon. Motion carried.

Vinton Unlimited Director Melissa Swanson met with the Board to discuss Christmas trees on the courthouse lawn for next year. Moved by Wiley, seconded by Hertle to allow Vinton Unlimited to place 1 or 2 fresh cut evergreen trees in tree stands on the courthouse lawn in November for the holiday season. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the hire of Sarah Wagner as a full-time social worker in the Social Services department, effective January 5, 2015, at a starting wage of \$15.00 per hour. Wagner's wages will be divided 20% General Services, 20% MH Administration, 60% MH Services. Wiley – Aye, Hertle – Aye, Frese - Aye. Motion carried.

Marlyn Jorgensen, President of Benton Development Group and Emily Upah, Director of Benton Development Group met with the Board to present BDG year- end report.

Mark Fassbinder with IIW, PC updated the Board on the progress of the courthouse window project. There have been a few problems with the installation so they will be asking for an extension of the contract completion.

Moved by Wiley, seconded by Hertle, to set January 13, 2014 at 10:00 a.m. as the date for a public hearing for a Right of Way acquisition on Bridge replacement Project BROS-CO06(98)-8J-06 on 75<sup>th</sup> Street in Florence Township Section 2 & 11. Wiley – Aye, Hertle – Aye, Frese – Aye. Motion carried.

County Engineer Myron Parizek discussed a Right of Way acquisition project on County Highway V66 between Blairstown and Highway 30. The Board told him to proceed with the project.

Todd Wiley updated the Board about a call that he received from Friends of the Shelter. Wiley asked that the posting of an animal control officer position be placed on the January 2<sup>nd</sup> agenda. Wiley also updated the Board that the Benton County Fairboard will be remodeling restrooms on the Fair grounds.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

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Donald H. Frese, Chairman

ATTEST:

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Brenda Sutton, Benton County Deputy Auditor

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